



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**9 May 2017**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



## COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
NSWH	NSW Housing
OEH	Office of Environment & Heritage
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils

General Manager  
Ron Moore      Mayor  
Lara Symkowiak

Director Customer and Corporate Services  
David Reynolds

Director Planning and Environmental Services  
Nicole Magurren

Manager Governance and Corporate  
Services  
Charles Weber

Director Community Infrastructure  
Vince Capaldi

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Ashleigh Cagney

Councillor  
Theresa Fedeli

Councillor  
Eva Campbell

Councillor  
Peter Sidgreaves

Councillor  
Paul Farrow

Councillor  
Michael Morrison

Councillor  
Cindy Cagney

Public Address

Public Seating

Media





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# ORDINARY COUNCIL

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## ORDINARY COUNCIL

**SUBJECT: PRAYER**

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### PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

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Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

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Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

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### AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

*Either – “So help me God” or “I so affirm” (at the option of councillors)*

\*\*\*\*\*

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

*Either – “So help me God” or “I so affirm” (at the option of councillors)*

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



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## ORDINARY COUNCIL

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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Leave of absence tendered on behalf of Councillors from this meeting.

### **RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT: DECLARATION OF INTEREST**

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NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5-7.27).

Councillors should be familiar with the disclosure provisions contained in the *Local Government Act 1993*, *Environmental Planning and Assessment Act, 1979* and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

### **RECOMMENDED**

**That the declarations be noted.**



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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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The Public Address session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

### **RECOMMENDED**

**That the public addresses be noted.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 11 April 2017.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 11 April 2017, copies of which have been circulated, be confirmed and adopted**



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## ORDINARY COUNCIL

### Mayoral Minute

**SUBJECT: MAYORAL MINUTE - ANZAC DAY 2017**

**FROM:** The Mayor

**TRIM #:** 17/127491

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Last Tuesday, 25 April 2017, Camden residents stood together with the rest of the nation in acknowledgment of the anniversary of the landing on Gallipoli and the great service of current and past Australian defence personnel.

Thousands of Camden residents attended the dawn service, and I was moved to see similar numbers attend the main service and Argyle Street march.

I am proud to be Mayor of a community where so many residents take the time to commemorate ANZAC day, reflect on the sacrifice of our heroic servicemen and women who fought for and defended our way of life.

I commend Mr Iain Richard-Evan, president of the Camden RSL Sub Branch, for organising such a successful ANZAC day year after year and thank the Camden RSL Sub Branch for their hard work, dedication and commitment to ensuring a day of remembrance that the Camden Community can take part in.

I also thank Council staff for assisting the Camden RSL Sub Branch on the day and in the months leading up to ANZAC day, which included organising traffic management plans, hiring lighting towers, installation of street banners, providing extra bins and maintenance work at the Bicentennial Equestrian Park Grounds.

#### **RECOMMENDED**

**That Council note the information.**



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## ORDINARY COUNCIL

### Mayoral Minute

**SUBJECT: MAYORAL MINUTE - CAMDEN CRICKET CLUB NAMED CRICKET AUSTRALIA'S CLUB OF THE YEAR**

**FROM:** The Mayor

**TRIM #:** 17/127516

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On Wednesday, 26 April 2017, Australian Cricket celebrated various achievements at the inaugural *A Sport for All Community Cricket Awards* held at the Melbourne Cricket Ground.

I am delighted to say that Camden Cricket Club was awarded the Cricket Australia Community Cricket Club of the Year Award.

Hundreds of nominations were received from all over Australia, and I am extremely proud that our very own Camden Cricket Club received this tremendous honour. Being named Club of the Year is truly a commendable achievement and is acknowledgment of the hard work and efforts of the Camden Cricket Club.

Cricket is extremely popular within our community and I am pleased that Camden Council is actively working with Cricket New South Wales through a signed Memorandum of Understanding on the development of a Cricket Centre of Excellence at Ferguson's Land at the Bicentennial Equestrian Park.

This agreement will see a multi-million dollar investment in Cricket, featuring three cricket fields and facilities to support the growing cricket community.

I am extremely proud as Mayor to see the Camden Cricket Club recognised in this manner, and would like to publicly congratulate the committee, members and players of Camden Cricket Club on this fantastic achievement.





**RECOMMENDED**

**That Council note the information.**



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## ORDINARY COUNCIL

### ORD01

**SUBJECT: TWO STOREY DETACHED DUAL OCCUPANCY AND STRATA SUBDIVISION - 44 THORPE CIRCUIT, ORAN PARK**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 17/103689

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**APPLICATION NO:** 128/2017

**PROPERTY ADDRESS:** 44 Thorpe Circuit, Oran Park

**APPLICANT:** Mencon Pty Ltd

**OWNER:** AN Mendo Pty Ltd ATF Mendo Family Trust

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey detached dual occupancy and strata subdivision at 44 Thorpe Circuit, Oran Park.

The DA is referred to Council for determination as there is one unresolved submission (containing three signatories) objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 128/2017 for the construction of a two storey detached dual occupancy and strata subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 128/2017 seeks approval for the construction of a two storey detached dual occupancy and strata subdivision.

Specifically the proposed development involves:

- Construction of a two storey detached dual occupancy, each dwelling consisting of four bedrooms and a single garage;
- Associated site works; and
- Strata subdivision Lot 1 – 253.20m<sup>2</sup> and Lot 2 – 255.90m<sup>2</sup>.

The cost of works for the development is \$450,000.

**A copy of the proposed plans is provided as an attachment to this report.**

### THE SITE

The site is known as 44 Thorpe Circuit, Oran Park and is legally described as Lot 3232 DP 1194673.

The site is located on the northern side of Thorpe Circuit within the residential subdivision of Oran Park. To the south of the site are vacant residential lots. To the north, east and west of the site are single storey and two storey dwellings currently occupied or under construction.

Within the vicinity of the site are a variety of approved development types consisting of single storey dwellings, two storey dwellings, attached dual occupancies and detached dual occupancies.



**KEY DEVELOPMENT STATISTICS**

The development has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

	Standard	Proposed	Compliance
<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)</b>			
<b>4.1A Minimum Lot Size for other development</b>	Minimum lot size for a dual occupancy is 500m <sup>2</sup> .	The lot meets the minimum requirement for a dual occupancy being 509.2m <sup>2</sup> .	<b>Yes</b>
<b>4.3 Height of Building</b>	Maximum 9.5m building height.	Maximum 7.54m building height.	<b>Yes</b>



<b>Oran Park Development Control Plan 2007 (Amended 2016)</b>			
<b>Front setback (7.6.3)</b>	Minimum 4.5m to building façade or 3.5m if fronting open space.	Dwelling 1 – 4.57m Dwelling 2 – 5.54m	<b>Yes</b>
<b>Front articulation (7.6.3)</b>	Minimum 3m to articulation zone or 2m if fronting open space.	Dwelling 1 – 3.37m Dwelling 2 – 4.34m	<b>Yes</b>
<b>Garage line (7.6.3)</b>	Minimum 5.5m to garage & minimum 1m behind building.	Dwelling 1 – 6.065m Dwelling 2 – 5.52m	<b>Yes</b>
<b>Side setback (7.6.4)</b>	Minimum 0.9m where detached.	Dwelling 1 – 900mm Dwelling 2 – 900mm	<b>Yes</b>
<b>Rear setback (7.6.4)</b>	Minimum 4m (ground) & 6m (upper).	Dwelling 1 – Ground – 4.73m Upper – 8.73m Dwelling 2 – Ground – 4.73m Upper – 8.73m.	<b>Yes</b>
<b>Height (7.6.5)</b>	Maximum two storeys.	Both dwellings – two storey.	<b>Yes</b>
<b>Site Coverage (7.6.5)</b>	Upper level less than 35% of site area. Combined upper level site coverage may be exceeded subject to privacy and solar access not being compromised.	Dwelling 1 – Upper – 87.1m <sup>2</sup> = 34.3% Dwelling 2 – Upper – 84.3m <sup>2</sup> = 32.9%.	<b>Yes</b>
<b>Landscaped area (7.6.5)</b>	Minimum 20% of site area on a lot containing a dual occupancy development.	45% of the site area is landscaped area.	<b>Yes</b>
<b>Principal private open space (7.6.7)</b>	20m <sup>2</sup> & min dimensions of 4m & gradient ≤ 1:10	Dwelling 1 – 49.1m <sup>2</sup> Dwelling 2 – 58.8m <sup>2</sup> Both dwellings – min. dimensions of 4m & gradient ≤ 1:10	<b>Yes</b>
<b>Principal private open space solar access (7.6.7)</b>	At least three hrs solar access between 9am to 3pm on 21 June to at least 50% of PPOS and adjoining dwelling PPOS	At least 50% of the PPOS of the subject and adjoining dwellings will receive at least three hrs of solar access between 9am and 3pm on 21 June.	<b>Yes</b>



<b>Car parking (7.6.8)</b>	Two car parking spaces for dwellings with greater than two bedrooms.	Both dwellings have four bedrooms. Each dwelling has two parking spaces, including a single garage and a second space located in the driveway in front of the garage.	<b>Yes</b>
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**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a 'dual occupancy' by the SEPP which is a permissible land use in this zone. The subdivision of land is permitted with consent in accordance with the provisions of clause 2.6 of the SEPP.

***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy 55 - Remediation of land</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended where necessary.</p> <p><u>Deemed State Environmental Planning Policy No 20 - Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary.</p>
Local Environmental Plan - S79C(1)(a)(i)	None Applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None Applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p><u>Oran Park Development Control Plan 2007 (DCP)</u> Generally compliant with conditions recommended where necessary.</p> <p><u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended where necessary.</p>
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations -	Imposed prescribed conditions.



S79C(1)(a)(iv)	
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development. The site is identified as being bushfire prone land. A bush fire report, prepared by a qualified consultant in bush fire risk assessment, has been submitted with the application. Conditions have been recommended by the NSW Rural Fire Service.
Submissions - S79C(1)(d)	One submission (containing three signatories) was received which is discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

### **Key Issues**

The key issues associated with the DA are limited to the submission issues discussed in this report.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP from 20 February to 6 March 2017. One submission (containing three signatories) was received objecting to the proposed development.

Council officers contacted the submission writer to discuss their concerns however were unsuccessful in resolving the issues raised in the submission.

The following discussion addresses the issues and concerns raised in the submission.

1. *Lot size too small and out of character with the area.*

#### Officer comment:

The proposed development is permissible with consent and complies with the relevant planning controls, including the minimum lot size requirement. The minimum lot size for a dual occupancy development in Oran Park is 500 m<sup>2</sup>, and the subject site complies with this requirement.

The objectives of the R1 – General Residential zone seek to provide for a variety of housing types and densities. The development is not considered to be out of character with the area.

2. *Bulk and scale concerns - was under the impression two storeys was not allowed.*

#### Officer comment:

Two storey dwellings are permitted throughout the area. As detailed in the table above, the proposal complies with the relevant SEPP and DCP requirements in relation to building height, site coverage and building setbacks.



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### 3. *Solar access concerns.*

#### Officer comment:

The solar access has been assessed against the controls within the Oran Park DCP. The subject and adjoining properties' principal private open space (PPOS) is required to receive a minimum of 50% solar access for no less than three hours between 9am and 3pm on 21 June. The development satisfies this control.

Due to the site's orientation, the development will not overshadow the rear open space areas of the adjoining properties. During the morning period, the development will cast a shadow over part of the adjoining dwelling to the west however the midday and afternoon shadow will be largely cast over the road.

### 4. *Privacy and overlooking concerns.*

#### Officer comment:

The upper level northern and western elevations contain bedroom, bathroom and stair windows. These rooms are considered low use rooms and not areas where people congregate for long periods of time. As a result, these windows are not considered to result in adverse privacy or amenity issues for adjoining properties.

There is a family room window on the upper level in Dwelling 2 facing east. The direct line of sight from this window will be over the roof of the adjoining dwelling. Therefore this window will not result in a privacy impact on the private open space or windows in the adjoining dwelling.

### 5. *Inadequate parking and access concerns.*

#### Officer comment:

The development has been assessed against the car parking requirements of the DCP. The DCP requires four bedroom dwellings to have two parking spaces within the property boundary, including one space behind the building line.

Each dwelling provides a car parking space behind the building line within a single garage and a stacked space in front of the garage within the front setback of the allotment. The development therefore satisfies the DCP control in relation to car parking.

### 6. *Ground stability and drainage concerns.*

#### Officer comment:

A condition is recommended to ensure adjoining buildings are protected and supported during excavation and construction.

The development has been assessed against the landscaping and site coverage requirements of the DCP. The plans submitted satisfy the DCP controls.

### 7. *Noise, smell and pollution concerns.*



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Officer comment:

The development is a permissible form of residential development that will generate minimal impact on the amenity of the area in relation to noise, odour and pollution. A standard condition is recommended to ensure the operation of air conditioning units does not impact neighbouring residential properties.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2017/128 is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That Council approve DA 128/2017 for the construction of two storey detached dual occupancy and strata subdivision at 44 Thorpe Circuit, Oran Park, subject to conditions listed in Attachment 1.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Floor Plans - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*
5. Submission - *Supporting Document*



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## ORDINARY COUNCIL

### ORD02

**SUBJECT: TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF A NEW DWELLING AND PARKING ON EACH LOT - 23-41 CAMDEN ACRES DRIVE, ELDERSLIE**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 17/52051

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**APPLICATION NO:** 1178/2016

**PROPERTY ADDRESS:** 23 - 41 Camden Acres Drive ELDERSLIE

**APPLICANT:** Mr Matthew Waters

**OWNER:** Mr Renfred Waters

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for torrens title subdivision and construction of a dwelling on each lot on proposed Lot 4281 at 23-41 Camden Acres Drive, Elderslie.

The DA is referred to Council for determination as there remains one unresolved submission objecting to the proposal.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1178/2016 for Torrens title subdivision into two lots and construction of a dwelling on each lot including garaging, landscaping and site works on proposed Lot 4281 pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 1178/2016 seeks approval for the Torrens title subdivision of proposed Lot 4281 into two lots, and construction of a dwelling on each created lot including garaging, landscaping and associated site works at 23-41 Camden Acres Drive.

Specifically the proposed development involves:

- Subdivision of the allotment known as proposed Lot 4281 to create two lots:
  - Lot 428111 – 381.7m<sup>2</sup> and
  - Lot 428112 – 303.21m<sup>2</sup>;
- Construction of an attached dwelling within each lot;
- Construction of an attached garage associated with Unit 1 and a detached garage associated with Unit 2;
- Driveway construction; and
- Landscaping, site works and service provision.

The development has a cost of construction of \$700,000.



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A copy of the proposed plans is provided as an attachment to this report.

### THE SITE

The site is known as 23-41 Camden Acres Drive Elderslie and is legally described as Lot 4281 in DP1106634.

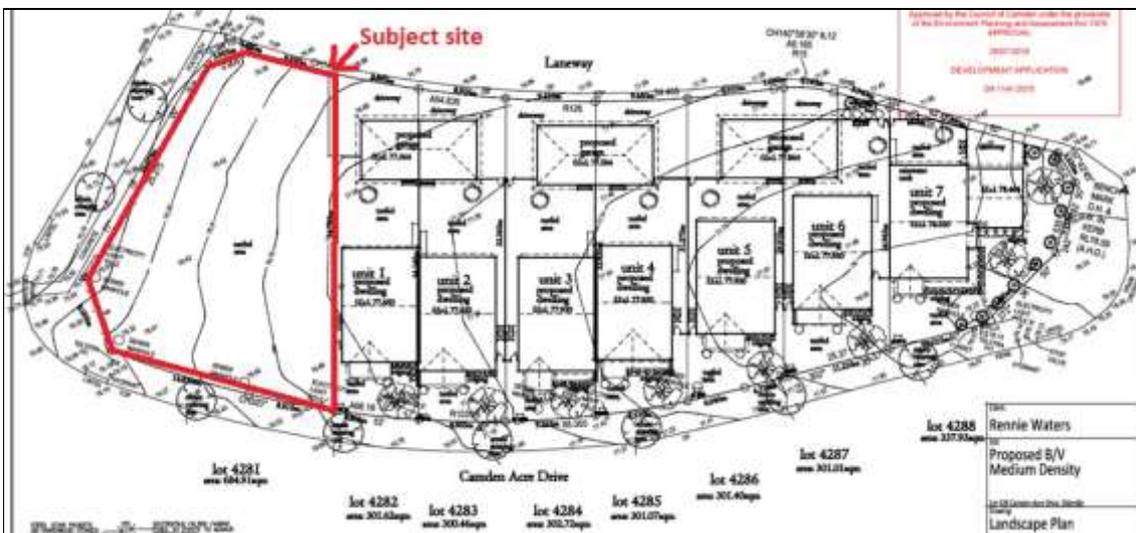
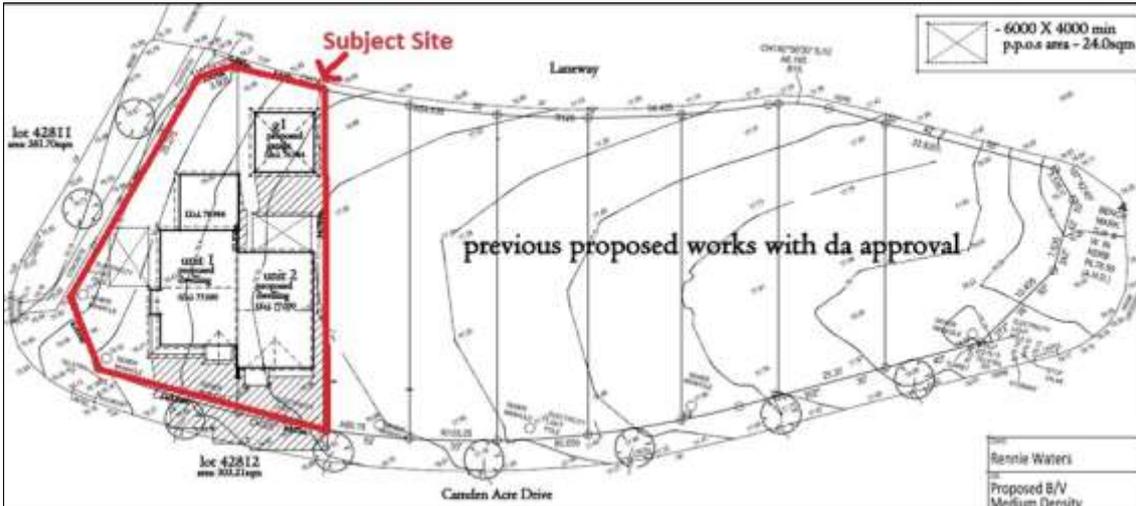
The site is bound by Camden Acres Drive to the west, Condron Circuit to the north and a service laneway to the east.



The land the subject of this development application is a residue lot which was approved as part of a multi dwelling housing development under DA 1141/2015.

DA 1141/2015 was approved by Council on 26 July 2016 and gave consent for subdivision, the construction of seven dwellings and the creation of a residue lot. The approved residue lot has an area of 684.91m<sup>2</sup>.

A copy of the site plan is provided below showing the location of the subject site (residue lot) in relation to the seven approved dwellings.



**KEY DEVELOPMENT STATISTICS**

The development has been assessed against the relevant planning controls and is generally compliant, aside from a variation in relation to driveway width. Below is a summary of the key development statistics associated with the DA.

	Standard	Proposed	Compliance
<b>Camden Local Environmental Plan 2010</b>			
<b>Cl.4.1 Minimum Lot Size</b>	Min. Lot Size C 300m <sup>2</sup>	Lot 1 – 381.7m <sup>2</sup> Lot 2 – 303.21m <sup>2</sup>	Yes
<b>Cl. 4.3 Height of Buildings</b>	Max. Height – 9.5m	8.38m proposed for each dwelling.	Yes
<b>Camden Development Control Plan 2011</b>			
<b>B5.1 Off Street Parking Rates</b>	Two spaces required for greater than three bedroom dwellings.	Each dwelling includes a double garage containing two spaces.	Yes
<b>C6 Elderslie</b>	Min. 8m.	Lot 1 – 14.83m with a	Yes



<b>Lot Width areas 1 and 2</b>		corner splay of 8.0m Lot 2 – 8.815m.	
<b>D2.1.1 Front Setback</b>	Min. 4.5m.	Dwelling 1 - 4.5m. Dwelling 2 – 4.5m.	Yes
<b>D2.1.1 Secondary Setback – Condron Circuit</b>	Min. 2m.	Dwelling 1 – 3.18m.	Yes
<b>D2.1.1 Rear Setback - lane</b>	Min. 2.5m.	Dwelling 1 – 6m to 10m. Dwelling 2 – 2.5m.	Yes
<b>D2.1.1 Side Setbacks</b>	Min. 0.9m.	Dwelling 2 Dwelling – 1.005m. Garage - 0.9m.	Yes
<b>D2.1.6 Garages, Site Access and Parking</b>	Max. 5.5m driveway width at the property boundary.	8.0m.	No – Variation requested
<b>D2.2.3 Site Coverage</b>	Max 60% Ground floor. Max. 30% First floor.	<u>Dwelling 1</u> Proposed site area 381.70m <sup>2</sup> Ground floor 146.65m <sup>2</sup> (38%) First floor 94.98m <sup>2</sup> (25%)  <u>Dwelling 2</u> Proposed site area 303.21m <sup>2</sup> Ground floor 146.65m <sup>2</sup> (38%) First floor 94.98m <sup>2</sup> (25%)	Yes
<b>D2.2.3 Landscaped Area</b>	Min 30%.	<u>Dwelling 1</u> Lot size - 381.7m <sup>2</sup> Landscaping – 202.1m <sup>2</sup> being 53%  <u>Dwelling 2</u> Lot size - 303.2 m <sup>2</sup> . Landscaping - 105.14m <sup>2</sup> being 35%.	Yes
<b>D2.2.3 Private Open Space</b>	Min 20%.	<u>Dwelling 1</u> 110.8m <sup>2</sup> being 29%.  <u>Dwelling 2</u> 81.4m <sup>2</sup> being 27%.	Yes
<b>D2.2.3 Principal Private Open Space (PPOS)</b>	24m <sup>2</sup> with min dimension 4m.	24m <sup>2</sup> with compliant dimensions and grade provided.	Yes
<b>D2.2.3 Solar Access</b>	Min. 50% to receive 3hrs between 9am and	<u>Dwelling 1</u> PPOS receives 3hrs of sunlight on June 21	Yes



	3pm June 2.1	between 9am and 3pm. <u>Dwelling 2</u> 50% PPOS receives 3hrs of sun on June 21 between 9am and 3pm.	
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## **ASSESSMENT**

### ***Zoning and Permissibility***

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as 'Subdivision' and 'Attached dwellings' which are permissible with consent by the LEP in this zone.

### ***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i)	SEPP 55 – Remediation of Land, SEPP BASIX and Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River – The development is compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – The development is compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 – The development is compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Prescribed conditions imposed.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which has been discussed in the 'Submissions' section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

### ***Compliance with Plans or Policies***

#### **DCP Variation – Garages, Site Access and Parking**

The DCP requires the maximum width of a driveway at the property boundary to be 5.5m. This application is proposing an 8m wide driveway crossing to service both dwellings, which exceeds the permitted 5.5m.

#### ***Variation Request***

The applicant has requested Council support a variation to this DCP control on the basis that:



- 
- The driveway width is required to facilitate manoeuvrability into and out of the sites.
  - The wider driveway crossing does not impact infrastructure, such as stormwater pits or footpaths.
  - The non-compliance does not result in other DCP non-compliances such as landscape area calculation.
  - The proposal adheres to the setback requirements for garages from laneways.

#### *Council Staff Assessment*

Council staff are satisfied with the justification and support the variation for the following reasons:

- Council's Traffic Engineers have reviewed the location of the driveway and its width and raise no objection from a traffic movement perspective.
- The proposed 8m wide driveway has been designed to ensure there is adequate width to facilitate manoeuvrability.
- The driveway does not conflict with service infrastructure.
- The driveway width is reasonable noting it is to service two dwellings.
- The increased driveway width will not have a significant visual impact, noting it is located off a service laneway.

#### **Key Issues**

The key issues associated with the DA are limited to DCP variation discussed above and the submission issues discussed in this report.

#### **Submissions**

The DA was publicly notified for 14 days in accordance with the DCP. The notification period was from 1 December 2016 to 14 December 2016. One submission was received objecting to the proposed development.

The following discussion addresses the issues and concerns raised in the submissions.

1. *Subdivision of land expected to remain as residual.*

#### Officer comment:

The land known as 23-41 Camden Acres Drive was approved as a residue lot via DA/2004/1405 on 3 April 2006. This lot was identified as a future multi-unit housing development site.

On 26 July 2016, Council approved DA/2015/1141 for subdivision to create seven residential lots, one residue lot and the construction of seven x two storey dwellings. The residue lot, the subject of this application, was intended for future development.

2. *Privacy and public safety issues created by the Principal Private Open Space (PPOS) area for unit 1.*

#### Officer comment:

The location of the principal private open space for Unit 1 is adjacent to the northern boundary. This is considered an appropriate location as it can be accessed directly



from the family and meals area of the dwelling. Furthermore, this private open space area is north facing providing good amenity for future residents of the dwelling.

It is acknowledged there is a public walkway along the northern boundary of the site. The positioning of the private open space adjacent to the public footpath provides passive surveillance of the public area.

### 3. *On-site Parking Concerns*

#### Officer comment:

In accordance with the DCP, two off-street car parking spaces are required for each dwelling. There is no requirement for the provision of on-site visitor carparking for this proposal.

The DA provides two double garages accessed via an 8m wide crossing from the rear laneway, one double garage for each dwelling. The DA therefore satisfies the requirements of the DCP. The design and location of the garages are not considered to adversely impact the streetscape or on-street parking.

DA 1141/2015 approved five visitor spaces which are accessed from the rear laneway. The proposed development will not impact on the provision of these spaces.

### 4. *Non-compliance with Side Setback Distances*

#### Officer comment:

The proposed side set backs comply with the DCP requirements, including the setbacks to the rear lane and the secondary street setback.

The zero set back proposed between the dwellings is permissible. The walls with zero setbacks will be constructed as individual dwellings with appropriate fire rating in accordance with the Building Code of Australia (BCA).

## **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

## **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1178/2016 is recommended for approval subject to the conditions attached to this report.



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### **RECOMMENDED**

**That Council approve DA 1178/2016 for the Torrens title subdivision of the land into two lots and the construction of a dwelling on each created lot on proposed Lot 4281 at 23-41 Camden Acres Drive Elderslie.**

#### ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Floor Plans - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*
5. Submission - *Supporting Document*



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: TORRENS TITLE SUBDIVISION TO CREATE TWO LOTS, CONSTRUCTION OF TWO SEMI-DETACHED DWELLINGS AND ONE DETACHED SECONDARY DWELLING - 12 MYALL STREET, GREGORY HILLS**

**FROM:** Director Planning & Environmental Services  
**TRIM #:** 17/66198

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**APPLICATION NO:** DA/2016/1319/1  
**PROPERTY ADDRESS:** 12 Myall Street, Gregory Hills  
**APPLICANT:** Macarthur Architectural Drafting  
**OWNER:** M. Richardson

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the Torrens title subdivision to create two lots and construction of two semi-detached dwellings and one detached secondary dwelling at 12 Myall Street, Gregory Hills.

The DA is referred to Council for determination as there are two unresolved submissions objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1319/2016 for the Torrens title subdivision to create two lots and construction of two semi-detached dwellings and one detached secondary dwelling pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 2016/1319 seeks approval for the Torrens title subdivision to create two lots and construction of two semi-detached dwellings and one detached secondary dwelling.

Specifically the proposed development involves:

- Torrens title subdivision to create two lots (Lot 1 - 305.43m<sup>2</sup> and Lot 2 - 494.41m<sup>2</sup>);
- Construction of a two storey semi-detached dwelling on each lot containing four bedrooms and a single car garage;
- Construction of a single storey secondary dwelling at the rear of Lot 2 containing one bedroom, lounge/dining, kitchen and service area;
- Associated site works; and
- Stormwater connection to street.

**A copy of the proposed plans is provided as an attachment to this report.**



## THE SITE

The site is known as 12 Myall Street, Gregory Hills and is legally described as Lot 123 DP 1193788. The site has an area of 800.2m<sup>2</sup> and is located on the southern side of Myall Street, Gregory Hills.

The site is currently vacant and surrounded by recently completed single and two storey dwellings, as well as a two storey dual occupancy development. There are single storey dwellings adjoining the site to the northeast, west and south. The residential development on the northern side of Myall Street contains both single and double storey dwellings and there is a large vacant lot to the immediate north of the site.



## KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

	Standard	Proposed	Compliance
<b>SEPP (Sydney Region Growth Centres) 2006</b>			
<b>Minimum lot sizes for other development (cl.4.1A)</b>	Minimum 200m <sup>2</sup> lot size for semi-detached dwellings.	Lot 1 – 305.43m <sup>2</sup> Lot 2 – 494.41m <sup>2</sup> .	Yes
<b>Minimum lot sizes for secondary dwellings in zone R1 (cl.4.1AB)</b>	Minimum 450m <sup>2</sup> lot size for secondary dwellings.	Lot 2 - 494.41m <sup>2</sup> .	Yes
<b>Height</b>	Maximum 9.5m.	Max 8.22m from NGL.	Yes



<b>Controls relating to miscellaneous permissible uses (cl.5.4)</b>	Maximum 75m <sup>2</sup> floor area for secondary dwellings OR 30% of total gross floor area of both the self-contained dwelling and the principal dwelling (whichever is the greater).	Secondary dwelling area – 68.26m <sup>2</sup> Note – this is a maximum of 28% of the combined total GFA of House 2 and the secondary dwelling.	Yes
<b>Turner Road DCP 2007</b>			
<b>Block &amp; lot layout (7.2)</b>	Minimum lot frontage 7m.	Lot 1 – 8.2m Lot 2 – 8.4m.	<b>Yes</b>
<b>Front Setback (7.4.3)</b>	Minimum 4.5m to building façade line.	Lot 1 – Min 6.6m Lot 2 – Min 5m.	<b>Yes</b>
<b>Rear Setback (7.6.4)</b>	Minimum 4m (ground) & 6m (upper).	<u>Lot 1</u> Ground – 8m Upper – 6.054m <u>Lot 2</u> Ground – 9.8m Upper – 9.8m Secondary Dwelling – 4m.	Yes
<b>Side Setbacks (7.4.4)</b>	Minimum 0.9m where detached (For semi-detached dwellings side setback only applies to detached side of house).	Lot 1 North side – 1.329m Lot 2 South side – 1.5m Secondary dwelling side setback - 2.744m and 1.567m.	<b>Yes</b>
<b>Site Coverage (7.4.5)</b>	No controls for ground floor Upper level maximum 50%.	Lot 1 Upper – 33% Lot 2 Upper – 21%.	Yes Yes
<b>Landscaped Area (7.4.6) Table 16</b>	Minimum 15% of lot area First 1m of the lot measured from street boundary to be soft landscaping.	Lot 1 – 57% of lot area Lot 2 – 58% of lot area 1m provided with Murraya hedge and 4-6m high tree per lot.	Yes Yes Yes
<b>Car parking (7.4.8)</b>	For dwellings with more than three bedrooms, two car spaces are required	The semi-detached dwellings each contain four bedrooms. A single garage is provided	Yes



	At least one space must be behind the building facade line. No additional on-site parking required for secondary dwelling.	for each dwelling, with an area in front for an additional car space. No on-site parking is proposed for the secondary dwelling.	
<b>Private Open Space (7.4.7)Table 16</b>	16m <sup>2</sup> & min dimensions of 3m & gradient 1:10.	Min POS of 16m <sup>2</sup> provided for both lots, each with min dimension of 3m and gradient 1:10.	<b>Yes</b>
<b>Solar Access (7.4.1)</b>	Minimum 3hrs solar access between 9am to 3pm on 21 June to at least 50% (8m <sup>2</sup> required) of PPOS and adjoining dwelling PPOS.  Open space at the front of the dwelling can be defined as PPOS where it is the only means of achieving the solar access requirements. The PPOS at the front of a dwelling must be designed to maintain appropriate privacy through landscaping or level changes.	At least 50% of the PPOS of Lot 2 and the adjoining dwellings will received at least three hrs of solar access between 9am and 3pm on 21 June.  Lot 1 receives solar access to the north facing PPOS area within the front setback. The front setback has been appropriately landscaped for privacy by hedging and a mature tree ( <b>See attached landscape plan</b> ). A condition is recommended requiring additional planting along the eastern boundary between the front boundary and building line to further improve privacy.	<b>Yes</b>
<b>Additional Secondary Dwelling Controls (Turner Road DCP - Section 7.5.2)</b>			
<b>Secondary Dwelling Gross floor area</b>	No greater than 75m <sup>2</sup>	68.26m <sup>2</sup>	Yes
<b>Secondary Dwelling</b>	No additional car	None provided	Yes



<b>Car parking</b>	parking required		
<b>Secondary Dwelling Private open space</b>	No separate POS to be provided	None provided	Yes
<b>Subdivision</b>	No subdivision of a secondary dwelling is permitted.	None proposed	Yes
<b>Access</b>	No separate direct access is required to be provided for a secondary dwelling.	None provided	Yes

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R1 General Residential.
Permissibility:	Subdivision, semi-detached dwellings and secondary dwelling – all permitted with consent under SRGC SEPP 2006.

***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>SEPP (Sydney Region Growth Centres) 2006</u> - Compliant with conditions recommended where necessary. <u>Deemed SEPP No. 20 – Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary. <u>SEPP (BASIX) 2004</u> – BASIX Certificate provided.
Local Environmental Plan - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden – DCP 2011</u> – Compliant with conditions recommended where necessary. <u>Turner Road Park DCP – 2007</u> - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Two submissions were received which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.



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### **Key Issues**

The key issues associated with the DA are limited to the submission issues discussed in this report.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP from 25 November 2016 to 8 December 2016. In response, two submissions were received objecting to the proposed development.

Council staff contacted the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in the submissions.

The following discussion addresses the issues and concerns raised in the submissions.

1. *Concern is raised over the number of dwellings on the site, the proposed two storey dwellings not being orientated toward the street and being inconsistent with single storey nature of the area.*

#### Officer comment:

The DA proposes the subdivision of the existing lot into two lots, the construction of a semi-detached dwelling on each lot, and the construction of a secondary dwelling within Lot 2.

The proposed subdivision, semi-detached dwellings and secondary dwelling are permissible in the R1 General Residential zone and comply with minimum lot size and height requirements of the Growth Centres SEPP (2006). Furthermore, the proposal complies with the Turner Road DCP and numerical controls of Camden DCP.

The proposal is not considered an overdevelopment of the site as the proposed development is the form of development envisaged by the relevant planning controls.

2. *Concern is raised over vehicular access into the subject site and potential impacts on street parking along Myall Street.*

#### Officer Comment:

The subject site is an irregularly shaped allotment. The proposed driveway is generally perpendicular to the street, providing satisfactory and direct vehicular access to each garage.

The proposal complies with the car parking requirements, with each semi-detached dwelling having two car spaces including a single garage and an open car space located in the driveway in front of the garage. One bedroom secondary dwellings are not required to provide additional on-site car parking.



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3. *Concern is raised that the proposed side setbacks will result in adverse solar access to adjoining properties.*

Officer Comment:

The proposed side setback of 1300mm exceeds the 900mm side setback requirements for dwellings. An assessment in respect to solar access reveals each adjoining property will receive at least three hours of solar access in accordance with the solar access requirements of the Turner Road DCP.

4. *Concern is raised that the proposed dwelling orientation will provide potential overlooking of the adjoining properties front setback area.*

Officer Comment:

It is noted private open space is generally located behind the building line. As such, direct overlooking of main habitable areas and private open spaces of adjacent dwellings is minimised through building layout and boundary fencing as all proposed living areas are at ground level or centrally located within the dwelling.

First floor windows and front balconies service bedrooms, which are considered low use areas. The proposal complies with the requirements of the DCP in relation to visual and acoustic privacy.

### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

### CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2016/1319/1 is recommended for approval subject to the conditions attached to this report.

### RECOMMENDED

**That Council approve DA 2016/1319 for the Torrens title subdivision to create two lots and construction of two semi-detached dwellings and one detached secondary dwelling at 12 Myall Street, Gregory Hills.**

### ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Landscape Plan
4. Floor Plans - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD04

**SUBJECT: COMMERCIAL MARKET GARDEN INCLUDING THE CONSTRUCTION OF FARM BUILDINGS, MANURE STOCKPILE AREA, WATER TANKS, ACCESS AND CIRCULATION ROADS, CAR PARK, IRRIGATION SYSTEM, AND ASSOCIATED SITE WORKS AT 25 AND 85 CAMDEN VALLEY WAY, ELDELSLIE**

**FROM:** Director Planning & Environmental Services

**TRIM #:** 17/92180

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**APPLICATION NO:** 1366/2016

**PROPERTY ADDRESS:** 25 and 85 Camden Valley Way, Elderslie

**APPLICANT:** Mr Graham Pascoe

**OWNER:** Investments and Loans Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a commercial market garden including the construction of farm buildings, manure stockpile area, water tanks, access and circulation roads, car park, irrigation system, and associated site works at 25 and 85 Camden Valley Way, Elderslie.

The DA is referred to Council for determination as there remain unresolved issues contained in 29 submissions (from 23 property addresses) received in objection to the application.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1366/2016 for a commercial market garden including the construction of farm buildings, manure stockpile area, water tanks, access and circulation roads, car park, irrigation system, and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 1366/2016 seeks approval for a commercial market garden and associated site works.

Specifically the proposed development involves:

- The staged cultivation of 13 agriculture precincts for the growing of lettuce and cabbage;
- Embellishment of existing irrigation system;
- Construction of a 1800m<sup>2</sup> farm building for vegetable storage and packing;
- Construction of a 25m<sup>2</sup> farm building for chemical storage;
- Construction of staff amenities;
- Construction of a vehicle circulation path and car park;
- Widening of the existing entrance to Camden Valley Way;

- Removal of an existing shed;
- Removal of six trees and additional landscape screening including the planting of eight replacement trees;
- Construction of a composted chicken manure storage area;
- Employment of up to 24 staff including a permanent on-site manager to reside in the existing dwelling;
- Farming/cultivation to occur between 5:00am and 6:00pm, seven days per week; and
- One night time semi-trailer vehicle movement entering and exiting the site between 11:00pm to 3:00am the following morning.

The cost of work for the development is \$455,000.

**A detailed description of the proposed development, including a summary of site operations, is provided as an attachment to this report.**

**A copy of the proposed plans is provided as an attachment to this report.**

### THE SITE

The site is commonly known as 25 and 85 Camden Valley Way, Elderslie and is legally described as Lot 11 and Lot 12 in DP 827115.

The site area is 66.5 hectares and is bordered by Camden Valley Way to the south, the Nepean River to the west, Narellan Creek and a small unnamed watercourse to the north, and Kirkham Lane to the east. Land to the north and east is used for low intensity grazing and land to the west is used for growing grapes.



The site has previously been used for horse grazing and horse agistment. It is occupied by a single storey dwelling, a former dairy style building and numerous sheds.



The site contains a local heritage item identified in the Camden LEP as the 'Tramway', which contains remnants of the former Camden to Campbelltown railway line stations and infrastructure. The original Tramway mound is identifiable however the tramline proper and associated infrastructure is no longer visible.

The development area comprises scattered vegetation with concentrated vegetation surrounding the existing dwelling, along the original tramway and existing drainage easements, which comprise open drainage channels.

The site is part of a floodplain area of the Nepean River and is affected by the 5% (one in 20 year flood), 1% (one in 100 year flood) and Probable Maximum Flood events.

Land to the south comprises residential dwellings, public recreation (Curry Reserve and Kirkham Park) and private recreation (Camden Caravan). Elderslie High School is located on the southern side of Camden Valley Way approximately 200m from the site.

The nearest residential dwellings are located approximately 80m to the south of the proposed main farm building opposite the existing site entrance, with the majority of dwellings located more than 150m from the farm building. Residential dwellings nearest to the land proposed to be cultivated are opposite Area D (refer to attached plans), being approximately 80m from the cultivation area.

### **KEY DEVELOPMENT STATISTICS**

The development has been assessed against the relevant planning controls and is compliant. Below is a summary of the key issues and development statistics associated with the DA.

<b>Camden Local Environmental Plan 2010</b>			
<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
<b>4.3 Height of Buildings</b>	Maximum 9.5m.	7.4m (main farm building).	<b>Yes</b>
<b>5.9 Trees / Vegetation</b>	Development consent is required for the removal of tree species prescribed by the Camden DCP.	Six trees are proposed to be removed to accommodate the proposed farm buildings and internal access / car parking. Tree species to be removed include: <ul style="list-style-type: none"> <li>• Peppercorn Tree;</li> <li>• Honey Locust;</li> <li>• Conifer;</li> <li>• Hackberry.</li> </ul> The Peppercorn Tree is the most significant however must be removed to accommodate the main farm building, which has been sited taking account other site constraints (such as flood water velocity). Council's Vegetation Management Officer	<b>Yes</b>



		supports the tree removal subject to suitable replacement species.	
<b>5.10 Heritage Conservation</b>	Aboriginal and European Heritage to be protected.	<p>The site contains a local heritage item identified as the 'Tramway'. The proposed development will not impact the item subject to recommended conditions. This is discussed in more detail within the Key Issues section of the report.</p> <p>The land has previously been used for agricultural purposes and has been disturbed over time; therefore aboriginal relics are not likely to exist. A condition is recommended to ensure any aboriginal heritage items found during construction are managed in accordance with NSW Office of Environment and Heritage requirements.</p>	<b>Yes</b>

<b>Camden Development Control Plan 2011</b>			
<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Compliance</b>
<b>B5.1 Car Parking</b>	Parking rates to be assessed on merit.	Twelve parking spaces are provided, which are considered sufficient based on the submitted Traffic report. Sufficient overflow parking is available on site.	<b>Yes</b>
<b>D1.3 Front Setback</b>	Minimum 20m	50m (main farm building).	<b>Yes</b>
<b>D1.3 Side and Rear Setback for Buildings</b>	Minimum 5m	400m to nearest side boundary and 340m to rear boundary (chemical storage shed).	<b>Yes</b>
<b>D1.3 Setback to watercourses</b>	Minimum 40m	<p>Works proposed within 40m of a watercourse (drainage swales to the north and cultivation areas to the west).</p> <p>The NSW Department of Primary Industries – Water provided General Terms of Approval requesting a</p>	<b>Yes</b>



		Controlled Activity Approval be obtained prior to the issue of Construction Certificate.	
<b>D1.3 Agriculture Land Size</b>	Minimum 2 hectares.	66.5 hectares.	<b>Yes</b>

### KEY ISSUES

#### Acoustic Impacts

An acoustic assessment was submitted with the application, which included a noise monitoring survey used to determine noise criteria at the most noise sensitive site (dwelling located at 50 Camden Valley Way, Elderslie, approximately 20m from the southern boundary of the site).

The proposed development complies with the noise criteria specified by Council's Environmental Noise Policy and the NSW Environmental Protection Authority's Industrial Noise Policy.

To ensure the development remains compliant with noise criteria, conditions are recommended as follows:

- Night time loading/unloading to occur inside an enclosed shed;
- Only one semi-trailer is permitted to enter and depart the site between 11.00pm and 3.00am the following morning;
- Operation of the development including use of plant and equipment not to give rise to offensive noise;
- Noise from all mechanical plant and activities to comply with the noise criteria contained within the submitted acoustic assessment;
- Numbers of staff are restricted to 24 employees; and
- The sewer pump not to give rise to offensive noise to be acoustically treated.

#### Heritage (European)

The site contains a local heritage item, identified in the Camden LEP as the 'Tramway' – remnants of the former Camden to Campbelltown railway line stations and infrastructure. The original Tramway mound is visually identifiable, however the tramline proper and associated infrastructure is no longer visible.

The Tramway mound has been identified on the submitted drawings, which have been informed by aerial imagery and on-site observations of the location of the mound, which is visibly discernible on site.



Location of Tramway mound looking east

There is no visual evidence remaining of the tramway line infrastructure, which previously existed on the site. The only visual evidence of the tramway is the existing tramway mound, which is clearly discernible where it has not been disturbed (predominantly within Lot 11 towards the eastern portion of the development area).

Impacts to the existing tramway mound are concentrated around the location of the proposed farm buildings, car park and internal access. Specifically, the proposed works that will impact the 'Tramway' include:

- Encroachment of the south east corner of the main farm building; and
- Minor grading to allow construction of the car park.

A clean water diversion drain and vegetated swale is also shown within proximity to the tramway mound on the submitted drawings. However, the applicant has confirmed these are to be relocated away from the tramway mound. A condition is recommended to ensure this occurs.

Impacts are not considered to be significant, given the land where the farm buildings and infrastructure is proposed has already been significantly disturbed due to existing sheds and internal access. The tramway mound can no longer be interpreted at this location therefore it is desirable to concentrate the proposed farm buildings/infrastructure in this location.

Moving the main farm building and car park closer to the river and away from the tramway mound would result in a faster flow rate of water during a flood. This outcome is undesirable, given the farm building and contents are likely to be compromised resulting in wider impacts upon the watercourses and surrounding land.



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The most visually prominent section of the tramway mound is identified by a line of trees, which provide a visual interpretation when viewed along Camden Valley Way. These trees are proposed to remain. A 15m buffer is proposed to protect the tramway mound and any remaining associated infrastructure associated with the 'Tramway'.

Camden Valley Way on approach to Camden is listed as a potential heritage item by the Camden DCP, having a view description including Cowpasture Bridge and the avenue of memorial trees along Camden Valley Way, and remnants of the Tramway Stations. The visual interpretation of the Tramway mound is to be protected and the avenue of trees along Camden Valley Way is proposed to remain to maintain existing landscape screening and the visual significance of the memorial avenue.

To protect the heritage significance of the tramway mound and view corridor, conditions are recommended as follows:

- No works within the 15m buffer as shown on the site plan;
- Relocation of the vegetation swale and clean water diversion drain shown on Plan 3, which is located in proximity to the tramway, outside of the 15m buffer;
- Works associated with the construction of buildings and the laying of infrastructure (excluding the land cultivation works) to be undertaken in the area adjacent to the 15m heritage buffer associated with the former tramline to be carried out under the supervision of an archaeological consultant;
- Unexpected finds are appropriately managed;
- No tree removal along the frontage to Camden Valley Way; and
- Inclusion of interpretive signage.

#### Odour Impacts

Chicken manure is proposed as the main fertiliser. Up to 250m<sup>3</sup> of manure is proposed to be stored on site as part of the manure stockpile, which is located approximately 135m from the Camden Valley Way street frontage.

Odour impacts associated with storage can be reduced subject to conditions to ensure the stockpile is bunded and covered. Odour impacts associated with the application of manure is low, given odours typically do not linger once the manure has been placed and settled.

To reduce odour impacts, conditions are recommended to ensure:

- The quantity of chicken manure is reduced as far as possible (it is acknowledged this may require additional vehicle movements if the fertilizer is delivered more frequently and conditions are recommended to control truck movements to be outside of sensitive residential hours).
- The manure stockpile area is appropriately bunded and covered to reduce odour impacts.
- An Environmental Management Plan is prepared, which employs measures to suppress odours; and
- Offensive odours do not occur when measured at the site boundary.



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## Visual Impacts

The most prominent proposed building is the 1,800m<sup>2</sup> farm building. It is set back 50m from Camden Valley Way (20m required) with the smaller 25m<sup>2</sup> chemical storage shed set back 88m behind the existing dwelling.

The farm buildings comprise a pitched roof and corrugated metal cladding with the proposed colour being 'mangrove', which is a dark natural green. The car park and internal access is proposed to comprise crushed stone (or similar). Therefore, the design of the proposed farm buildings and associated infrastructure is appropriate for the rural setting and will not dominate the streetscape (subject to conditions that reinforce proposed materials and finishes).

The main farm building, associated car park and internal access have been located amongst the existing established vegetation. The height of the main farm building is 7.4m (9.5m maximum) and additional landscape screening is proposed on the southern, eastern and western sides of the main farm building.

Existing vegetation along the street frontage (Camden Valley Way) provides visual screening into the site therefore the proposed farm buildings, infrastructure and operation of the market garden will be obscured when driving in an easterly and westerly direction along Camden Valley Way.

## Traffic Impacts

A Traffic and Parking Assessment was submitted with the application indicating the majority of staff will be collected via two people mover vans with up to five staff expected to drive independently. Other vehicle movements include one semi-trailer between 11:00pm and 3:00am the following morning, a heavy rigid vehicle for fertiliser delivery once per fortnight and a heavy rigid vehicle for the emptying of skip bins once per week during daylight hours. A condition is recommended to ensure appropriate delivery times are enforced.

The number of vehicle movements is low and will not disrupt current traffic movements in the locality as demonstrated in the traffic and parking assessment. Sufficient parking has also been provided on site.

Impacts related to trucks turning into and out of the site onto Camden Valley Way have been considered by Council's traffic engineer, who have advised the low number of vehicle movements will not adversely impact the street network.

The DA was referred to NSW Roads and Maritime Services (RMS) for comment (this section of Camden Valley Way is owned and controlled by Camden Council). RMS suggested a number of conditions including restricting all vehicle movements to left-in and left-out only due to safety concerns.

Council's Traffic Engineer has reviewed the RMS response and advises that, as only one semi-trailer vehicle movement is permitted during non-peak times, and considering the visibility along Camden Valley way, a right-out onto Camden Valley Way is considered acceptable for the semi-trailer (the applicant has advised a right-out is necessary to ensure market delivery times are met). However, the vehicle will be restricted to left-in only to mitigate safety concerns with vehicles queuing behind the semi-trailer. All other vehicles entering and exiting the site will be restricted to left-in and left-out and conditions have been recommended to enforce this.



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### Connection to Sewer

Connection to Sydney Water (sewer) is required as on-site waste management cannot be supported given the site's flood affectation.

An easement for sewerage (executed by Sydney Water) crosses the front boundary of the site. Sydney Water confirmed the easement contains a 630mm pressure main, which transfers sewage from a Sewer Pumping Station to the gravity system further along Camden Valley Way. This easement is not suitable from a hydraulic or operational perspective for individual connection. As such, no connections are permitted to this main.

Sydney Water advised a private pump to the sewer service near Hassall Street is acceptable and a list of 'anticipated requirements' was provided. The applicant must liaise with Sydney Water to obtain official 'Notice of Requirements' after the DA is approved. Once the 'Notice of Requirements' is obtained, the sewage works are carried out and a Section 73 Compliance Certificate is issued.

A condition is recommended so the Notice of Requirements is obtained prior to the issue of a Construction Certificate and a Section 73 Compliance Certificate is obtained prior to the issue of an Occupation Certificate.

A condition is also recommended so a Public Road Activity approval from Camden Council is obtained to carry out works within the road reserve.

### Water Supply

The landowners currently hold approval, which authorises the extraction of water via a pump from the Nepean River for irrigation purposes on Lot 12 DP 827115. The approval however does not currently authorise the irrigation of Lot 11.

Water NSW advised an amendment to the licence can be sought following DA approval and confirmed additional pumps are not required to service the additional lot. A condition is recommended to ensure the licence is amended prior to the issue of a Construction Certificate.

Reticulated town water is available and will be plumbed to the proposed farm buildings and amenities.

### Flood Storage

The submitted Flood Report identifies the 1,800m<sup>2</sup> farm building will be provided with vented openings, which will enable water to flow through to prevent loss of flood storage. This is acceptable subject to a condition requiring details of the size and location of the openings to be provided at Construction Certificate stage. The chemical storage shed is not required to have vented openings, given it is only 25m<sup>2</sup> and therefore will have a negligible impact upon flood storage.

A finished floor level at the Flood Planning Level is not a requirement for non-habitable buildings (habitable buildings are considered to be residential dwellings).

A condition is recommended to ensure no fill is imported into the site as this would decrease flood storage.



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## Sprays / Chemicals / Fertilizers

### *Storage*

Hazardous materials, including sprays, chemicals and fertilisers, are proposed to be stored and used on site.

Chemical sprays are to be stored in the proposed chemical storage shed. For the storage of hazardous materials Council's Flood Policy requires:

*"Applicant to demonstrate that there are adequate storage areas available for hazardous materials and valuable goods and equipment at or above the FPL."*

Hazardous materials stored at or above the flood planning level (FPL) is not possible within the proposed chemical storage shed, given the level of flood affectation. The storage of chemicals at or above the FPL is possible within the main farm building.

Areas of the site are available for chemical storage in accordance with Council's Flood Policy. According to Council's Flood Engineer, chemicals can potentially be stored within the proposed Chemical Storage shed and removed and relocated as part of the flood evacuation strategy. A condition is recommended so compliance with Council's Flood Policy is demonstrated prior to issue of a Construction Certificate.

To ensure potential impacts are further mitigated, conditions are recommended to ensure the chemical storage shed is constructed to withstand flood waters and chemicals are stored in water proof containers in accordance with manufacturer's specifications.

A 2000 litre fuel storage tank is also proposed however details of the tank are not provided. The fuel storage tank must be designed to satisfy the requirements of AS 1940: The storage and handling of flammable and combustible liquids, which requires tanks to be anchored to prevent them from floating away on flood affected sites. A condition is recommended to enforce this.

### *Application*

The applicant has advised chemical application is kept to a minimum to reduce cost. The boom sprayer can be angled to adjust for prevailing breeze and the tractor used to carry the sprays is fitted with a performance monitor so the rate per hectare can be monitored.

Council staff discussed the use of chemicals with the NSW Environmental Protection Authority (EPA) which advised a licence for application is not required. Employees applying chemicals must hold current Chemical Certificate certification, which is obtained after training is undertaken (eg TAFE). Therefore, chemical application will be carried out by trained staff and a condition is recommended to enforce this.

A condition is also recommended to ensure crops are sprayed during neutral atmospheric conditions in accordance with industry best practice and, Department of Primary Industries 'Spray Drift Management' Guidelines.




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## Water Quality/Erosion and Sediment Control

Stormwater quality modelling was undertaken using Model for Urban Stormwater Improvement Conceptualisation (MUSIC). The quality of the water flowing out from the development will meet water quality standards and will not impact natural waterbodies.

Seepage of nutrients and pesticides into waterways and subsequent algal growth will be avoided by:

- Appropriate application of recommended rates of fertiliser and pesticides in accordance with manufacturer instructions;
- Storage of fertilisers and pesticides in sealed containers within the chemical storage shed in accordance with manufacturer instructions;
- Storage of bulk manure away from watercourses, sensitive areas and locations subject to concentrated stormwater runoff;
- Permanent retention of sediment fences and installation of vegetation sediment reduction swales;
- No application of pesticides when rainfall is expected or during winds;
- Maintenance of Wastewater Management system in accordance with the Water Cycle Management Study and manufacturer guidelines; and
- Monthly maintenance of sediment and pollution control measures.

Conditions are recommended to enforce the above mitigation works as provided in the Water Cycle Management Study.

Stormwater quality treatment is provided by an interconnected system of grassed swales for the removal of pollutants. The swales will filter water run-off from cultivation areas with permanent sediment fences proposed along the edge of the sediment reduction swales.

The NSW Department of Primary Industries – Water (DPI – Water) provided General Terms of Approval (GTA). The DPI – Water acknowledges a Controlled Activity Approval (CAA) is required for the proposed development.

As part of the GTAs, the applicant is required to reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by DPI – Water. Therefore, after the DA is approved, the applicant must obtain a CAA by demonstrating appropriate water quality management.

## **ASSESSMENT**

### ***Zoning and Permissibility***

Zoning:	RU1 Primary Production
Permissibility:	The proposed development is defined as 'Intensive plant agriculture' by the LEP, which is a permitted land use in this zone. The proposed farm buildings and associated infrastructure are ancillary to this definition and are therefore permitted.



**Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration**

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>State Environmental Planning Policy No 55 – Remediation of Land</u> - Compliant with conditions recommended where necessary. <u>Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)</u> – Compliant with conditions recommended where necessary. <u>State Environmental Planning Policy No 33– Hazardous and Offensive Development</u> - The proposed development is not considered to be hazardous/potentially hazardous development or offensive/potentially offensive development. Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	<u>Camden LEP 2010</u> – Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden DCP 2011</u> – Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues and Submissions sections of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Twenty-nine submissions were received (from 23 property addresses), which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

**Submissions**

The DA was publicly exhibited for 30 days in accordance with the Camden DCP. The exhibition period was from 10 January 2017 to 8 February 2017. 29 submissions were received from 23 separate addresses (all objecting to the proposed development).

The following discussion addresses the issues and concerns raised in the submissions.

1. *Neighbours were not correctly notified (one objector did not receive a notification letter).*

Officer comment:

The proposed development was advertised for 30 days in accordance with the Camden DCP. The owners of all properties surrounding the subject site were publicly notified. Notification letters were provided to all property owners postal addresses.



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The person who made this submission was identified and a notification letter was provided to the owner's postal address.

2. *Damage to the proposed infrastructure due to flooding.*

Officer comment:

The submitted Flood Report provided an assessment against potential flood impacts on the development, which has been assessed by Council's Flooding Engineers. During the assessment of the application the applicant was requested to clarify various elements of the flooding assessment. This additional information together with conditions recommended in the consent will ensure the impacts of flooding on the development will be minimal with all proposed infrastructure designed, constructed and certified to withstand flood waters.

3. *Impacts to the waterway and downstream properties due to chemicals / petrol / manure/sediment.*

Officer comment:

Prior to the issue of a Construction Certificate it must be demonstrated there are suitable areas on site for the storage of hazardous materials, including chemicals at or above the flood planning level in accordance with Council's Flood Risk Management Policy. Council's Flooding Engineers are satisfied compliant storage can be provided within the main farm building or alternatively off-site.

The fuel storage tank must be designed to satisfy the requirements of Australian Standard 1940: The storage and handling of flammable and combustible liquids, which requires tanks to be anchored to prevent them floating away on flood affected sites. A condition has been recommended to enforce this.

Manure is not considered to be a hazardous material. A condition is recommended to ensure the manure stockpile is bunded and covered.

The application of chemicals is required to be applied in accordance with manufacturer's specifications by qualified staff that must hold a Chemical Certificate certification. The excessive use of chemicals is not permitted and a condition is recommended to enforce this.

Impacts related to sediment run-off will be mitigated via vegetated swales and permanent sediment fences, which will filter water before discharge into any waterway.

The applicant must obtain a Controlled Activity Approval (CAA) from the NSW Department of Primary Industries – Water (DPI – Water) prior to the issue of a Construction Certificate. The DPI – Water must further assess impacts on the watercourse before issuing a CAA. A condition has been recommended to enforce this.

This is discussed in more detail within the Key Issues section of the report.

4. *Impacts on fish and wildlife in and along the Nepean River.*

Officer comment:

The market garden does not propose dredging, land reclamation, destruction of marine vegetation or altering of a dam or floodgate. The submitted Farm Management Plan



identifies farm management practices, which will not impact the Nepean River including fish habitats.

Impacts on flora and fauna will be mitigated through the treatment of water run-off, the appropriate application and storage of chemicals / fertilizer and the control of works on waterfront land through the need for a CAA issued by DPI – Water.

The proposed development is not considered to impact flora and fauna subject to conditions to control operation.

*5. Impacts on water supply from the Nepean River.*

Officer comment:

Water NSW is the regulatory authority for water extraction from the river network, which is controlled via a Water Access Licence.

The landowners currently hold a Water Access Licence, which authorises a pump on the Nepean River for irrigation associated with Lot 12. An amended licence is required to authorise the irrigation of lots 11 and 12.

Water NSW has advised the pump does not require upgrading and the existing infrastructure is suitable to facilitate irrigation requirements. A condition is recommended so an amended licence is obtained prior to issue of a Construction Certificate.

This is discussed in more detail within the Key Issues section of the report.

*6. Acoustic impacts from the operation of the development and vehicles on the road.*

Officer comment:

In accordance with Council's Environmental Noise Policy, only operational noise emitted from within the property boundaries is considered and not noise from vehicles on a public road.

An acoustic assessment was submitted with the application demonstrating the proposed development complies with the noise criteria specified by Council's Environmental Noise Policy and the NSW Environmental Protection Authority's Industrial Noise Policy.

Conditions are recommended to restrict offensive noise and to ensure no farm operations occur between 10pm and 7am. Conditions are also recommended to permit the loading and unloading of one semi-trailer between 11 and 3, which is to be wholly undertaken within the main farm building, and to restrict other trucks from entering the site between 6pm and 7.

This is discussed in more detail within the 'Key Issues' section of the report.

*7. The ambient background noise monitoring was carried out behind a fence, and should have been carried out in front of the fence to obtain accurate readings.*



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Officer comment:

The submitted acoustic report notes ambient background noise recording took place at the nearest sensitive receiver (50 Camden Valley Way, Elderslie) behind a lapped and capped timber fence. The noise monitoring has been carried out in accordance with Council's Environmental Noise Policy, the NSW Environmental Protection Authority's Industrial Noise Policy and Australian Standards.

This site was chosen as it represents the most sensitive receiver given its proximity to the working part of the proposed market garden. In addition, the site has a front fence where noise monitoring was undertaken having regard to the lowest background noise. The lower background noise level results in more conservative noise criteria with which the proposed development must comply.

The noise model demonstrated the proposed development complies with the noise criteria specified by Council's Environmental Noise Policy and the NSW Environmental Protection Authority's Industrial Noise Policy.

This is discussed in more detail within the Key Issues section of the report.

*8. Visual impacts to the rural environment.*

Officer comment:

The proposed farm buildings comprise a pitched roof and corrugated metal cladding in 'mangrove', which is a dark natural green. This is considered compatible with the rural character.

The proposed farm buildings have been sited amongst existing vegetation with additional landscaping proposed around the buildings. Existing vegetation along the street frontage provides further visual screening and is not proposed to be removed.

Considering the rural zoning of the site, the proposed development is considered compatible within the landscape and will not have adverse impacts upon the existing residential and streetscape characteristics of the immediate locality.

This is discussed in more detail within the Key Issues section of the report.

*9. Heritage impacts to the local heritage item: Tramway.*

Officer comment:

The existing visual interpretation of the 'Tramway' will remain unaffected by the proposal, namely the tree-lined vegetated mound. The proposed farm buildings and car park will impact an area where the 'Tramway' once existed. This is not considered to result in adverse impacts on the heritage item as this area has already been highly disturbed. Conditions are recommended to ensure no works are permitted within a 15m buffer applied around the 'Tramway', as shown on the site plan.

This is discussed in more detail within the 'Key Issues' section of the report.

*10. Odour impacts due to proposed chicken manure.*



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Officer comment:

Manure is required for fertilising, which is considered acceptable given the zoning and nature of the activities on site. A condition is recommended so the manure stockpile area is bunded and covered to reduce odour impacts.

A condition is also recommended to ensure the quantity of chicken manure is reviewed annually to be reduced as much as possible based on need.

This is discussed in more detail within the Key Issues section of the report.

*11. Insect infestation due to manure on site and resulting health concerns.*

Officer comment:

The control of insects will be carried out by the operators of the farm as part of the ongoing use of the site. Conditions are recommended to ensure insects are managed, and the manure stockpile quantity is reduced as far as practicable and appropriately bunded and covered.

*12. Light spillage impacts to residents at night time.*

Officer comment:

Given night time operations are restricted to the loading and unloading of one semi-trailer, vehicle movements out of the site during sensitive hours will be minimal and light spillage is not considered to be significant. A condition is recommended so vehicles exiting the site (one semi-trailer and employee vehicles) during night time hours do not use high beam.

*13. Dust and chemical impacts due to wind.*

Officer comment:

The application of chemicals must be carried out by trained staff who hold Chemical Certificate certification. A condition is recommended to ensure only trained staff can apply chemicals, and chemical application is not carried out during windy periods.

Dust impacts will be controlled in accordance with the submitted Farm Management Plan, which identifies measures to control dust such as ploughing along contours, maintaining vegetated swales and allowing soil organic matter to build up to improve soil structure. A condition is recommended to ensure soil management is in accordance with the Farm Management Plan.

*14. Traffic impacts, including trucks turning into and out of the site.*

Officer comment:

A Traffic and Parking Assessment was submitted with the application indicating vehicle movements will be low (due to the nature of vehicles accessing the site) and that sufficient parking is available on site.

Impacts related to trucks turning into and out of the site have been considered by Council's Traffic Engineers. The largest vehicle to access the site is a semi-trailer which will be between the hours of 11am and 3am to facilitate the movement of



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produce to market. As only one semi-trailer vehicle movement is permitted during non-peak times and considering visibility along Camden Valley Way, a right turn out onto Camden Valley Way is considered acceptable. However, the vehicle will be restricted to left-in only.

All other vehicles entering and exiting the site will be restricted to left-in and left-out only. A condition is recommended to reinforce this.

Refer to Key Issues section of this report.

*15. Approval of this development will set a precedent to allow future industrial type development on the site.*

Officer comment:

Only uses permitted with consent within the RU1 Primary Production zone can be proposed and industrial uses are prohibited.

*16. Additional hard surface areas (sheds) will increase flooding due to run off.*

Officer comment:

Additional hard surface areas will not increase flooding due to run-off, given the site is flood affected and, in the event of a flood, will be inundated with water.

*17. Reduction in property values.*

Officer comment:

The loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

## **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

## **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA1366/2016 is recommended for approval subject to the conditions attached to this report.



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## **RECOMMENDED**

**That Council approve DA 1366/2016 for a commercial market garden including the construction of farm buildings, manure stockpile area, water tanks, access and circulation roads, car park, irrigation system, and associated site works at 25 and 85 Camden Valley Way, Elderslie.**

### ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. DPI - Water requirements
4. Sydney Water requirements
5. Water NSW requirements
6. Summary of Site Operations
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD05

**SUBJECT: DRAFT COMMUNITY STRATEGIC PLAN, 2017/18 - 2020/21 DRAFT DELIVERY PROGRAM AND 2017/18 DRAFT OPERATIONAL PLAN (BUDGET)**

**FROM:** Director Customer & Corporate Services

**TRIM #:** 17/118992

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### PURPOSE OF REPORT

The purpose of this report is to inform Council that the Draft Community Strategic Plan, 2017/18-2020/21 Draft Delivery Program and Draft 2017/18 Operational Plan (Budget) are now in a position to be formally considered by Council and, if endorsed, placed on public exhibition.

### BACKGROUND

All local councils in NSW are required to comply and undertake community planning and reporting activities in accordance with the Integrated Planning and Reporting (IPR) framework and the *Local Government Act 1993*.

The IPR framework showcases the interrelationship between the Community Strategic Plan, Delivery Program, Resourcing Strategy, and Operational Plan (Budget). According to the framework these documents are required to be reviewed by the newly elected council.

The Community Strategic Plan is a minimum 10 year plan and is the highest level plan that Council needs to prepare within the IPR framework. The purpose of this Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving the objectives.

Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the community and it is not wholly responsible for its implementation. It is a collaborative approach with other partners such as State and Federal Government agencies, community groups, local businesses and residents in developing and delivering the objectives indicated in the Community Strategic Plan.

The Delivery Program is a four year program and outlines the principal activities that Council will deliver to achieve the objectives as outlined in the Community Strategic Plan. All plans, projects, activities and funding allocations are directly linked to this Delivery Program.

The Operational Plan is an annual plan, a subset of the Delivery Program. The Operational Plan details specific actions that council will undertake and the associated budget.

The Resourcing Strategy provides detailed information on how Council will resource plans, projects and strategies over the next four to 10 years in delivering the Community Strategic Plan. The Resourcing Strategy is not required to be adopted by Council or placed on public exhibition.



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At the core of the Integrated Planning and Reporting framework is the establishment of strong links between the four key component documents to demonstrate that what Council does is driven in the main by community priorities (from the Community Strategic Plan) and that sufficient resources have been allocated to these programs and activities so that service outcomes can be delivered on time and in a sustainable manner.

Council's Delivery Program and Operational Plan outline 30 Local Services and the supporting programs and activities that Council proposes to undertake over a four year period to help achieve the aspirations in the Community Strategic Plan. This document details the range of services Council delivers, the primary activities involved in delivering those services, the timeframe in which those activities will be delivered and the manner in which success will be measured.

### **INTEGRATED PLANNING & REPORTING**

In accordance with the IPR framework, the Community Strategic Plan has been reviewed by the newly elected Council.

The Community Strategic Plan has been developed through a process of on-going research and community engagement over the past four years. The Plan incorporates this information and is based on knowledge that Council currently has about the local area, its community and the impact of the external factors influencing the local area.

At the time of preparing this Plan, there are federal, state and regional plans and strategies that will have a direct impact on the Camden LGA. These plans and strategies include the South West District Plan, the Plan for Growing Sydney, the prospective Western Sydney City Deal, the Western Sydney Airport proposal and confirmation of the South West Rail Corridor.

This update has focused on developing clear, concise and easy to read documents, taking account of key amendments, with an opportunity to fully review and re-vision the Community Strategic Plan once external plans and strategies have come to certainty/reality. We believe this approach, combined with new and diverse ways of connecting with our community, will position Council as a leading voice on behalf of our Community.

**A copy of the Draft Community Strategic Plan, 2017/18 – 2020/21 Draft Delivery Program and 2017/18 Operational Plan (Budget) documents was distributed to Councillors under separate cover on 13 April and 21 April 2017. A Council budget briefing was held 26 April 2017.**

### **FIT FOR THE FUTURE**

The Draft 2017/18 Operational Plan (Budget) continues Council's history of prudently allocating financial resources. This further supports Council's rating by the Office of Local Government and IPART as being one of only seven metropolitan Councils that are financially sustainable and fit for the future.



## 2017/18 OPERATIONAL PLAN (BUDGET)

In summary, the draft 2017/18 Operational Plan is as follows:

<b>Draft Operational Plan</b>	<b>2017/18</b>
Operating Expenditure	\$95,294,000
Capital Expenditure	\$206,714,500
<b>Gross Expenditure Budget</b>	<b>\$302,008,500</b>
<b>Non Cash and Reserve Transfers</b>	
Less: Works In Kind - Land & Infrastructure	(\$160,845,000)
Less: Non Cash Depreciation Expense	(\$16,071,200)
Less: Transfer to Cash Reserves	(\$17,032,300)
<b>Net Cash Expenditure Budget</b>	<b>\$108,060,000</b>

Council's proposed gross expenditure budget for 2017/18 is \$302,008,500. Upon removing non-cash expenditure and transfers to reserve, Council's proposed cash budget for 2017/18 is \$108,060,000.

## BUDGET RESULT AND ALLOCATION OF SURPLUS

The 2017/18 Operational Plan (Budget) provides the financial resources for Council to continue to deliver the services, programs and activities outlined within the Delivery Program. In reviewing the 2017/18 Operational Plan (Budget), Council has prudently considered both the needs of the community and long term financial sustainability of the organisation.

A review of the 2017/18 Operational Plan identified a budget surplus of \$2,048,000.

The proposed allocation of the budget surplus is shown in the following table:

<b>2017/18 Budget Surplus</b>	
Draft Budget Surplus	<b>(\$2,048,000)</b>
<b>Surplus Allocation</b>	
1 - Workforce Positions (Net cost to budget)	\$1,964,000
2 - Operational Expenditure (Net cost to budget)	\$1,384,000
3 - Capital Expenditure (Net cost to budget)	\$0
4 - Transfers from Reserve (Net transfer)	(\$1,800,000)
<b>2017/18 Revised Draft Budget Surplus</b>	<b>(\$500,000)</b>

It is recommended that the surplus of \$500,000 be transferred to the asset renewal reserve for future allocation by Council to parks improvements.



1 - Additional Workforce Positions

A total of 25.2 additional positions have been proposed for inclusion in the 2017/18 budget. These positions are considered high priority positions and are consistent with Council’s adopted workforce plan. The increase in staffing is primarily to maintain a consistent service level to our rapidly growing community. Key areas of focus include:

- Landscaping and Garden Maintenance
- Parks and Reserves Maintenance
- Customer Service experience
- Waste Services
- Town Planning

2 – Operational Expenditure

In addition to the funds allocated in the 2017/18 – 2020/21 Draft Delivery Program, Council has proposed the following additional operational items for inclusion in the 2017/18 budget.

<b>Operational Expenditure</b>	
Additional Mowing costs for new areas	\$300,000
New Buildings Maintenance	\$55,000
Information Technology Licence Costs	\$301,000
Information Technology Networking Sites & Internet	\$140,000
My Gateway Trainees (3)	\$93,000
Additional Vehicles for Safety and Events positions	\$20,000
Additional Australia Post Costs	\$60,000
Macaria Art Gallery operational costs	\$20,000
Purchasing and Procurement - Vendor Panel Licence	\$13,000
Animal Holding Facility operational budget	\$120,000
Building Professional Board (BPB) accreditation cost for professional staff	\$12,000
Urban Design Review Panel	\$100,000
Section 94 Contribution Plan Reviews	\$50,000
Future Strategic Planning Studies - General Allocation	\$100,000
<b>Total – Operational Funding Requests</b>	<b>\$1,384,000</b>

3 - Capital Expenditure

In addition to the capital projects already approved as part of the 2013/14-2016/17 Delivery Program, it is proposed to also include the following capital items in the 2017/18 budget and 2017/18-2020/21 Delivery Program. The projects below provide an outstanding response to the needs of a growing community over the next four years.

<b>CAPITAL PROJECTS (PROJECT DESCRIPTION)</b>	<b>COST</b>	<b>EXPECTED DELIVERY</b>
Camden Town Centre Upgrade Stages 3-6	\$6,950,000	2018/19
Harrington Park youth facility	\$1,000,000	2018/19
Sedgewick Reserve youth facility	\$1,000,000	2018/19



CAPITAL PROJECTS (PROJECT DESCRIPTION)	COST	EXPECTED DELIVERY
Curry Reserve water play facility	\$1,500,000	2018/19
Oran Park water play facility (Cost to Council \$500k)	\$1,200,000	2018/19
Camden Police Station renewal works	\$800,000	2018/19
Oran Park Administration Building Stage 2 (Design)	\$500,000	2018/19
Animal Holding Facility scoping and design	\$200,000	2017/18
Concept Design Upgrade of Ingleburn Rd, Rickard Rd & Edmondson Ave	\$2,900,000	2017/18
Spring Farm Community Facility	\$2,439,000	2018/19
Camden - Cricket Facility Stage 1 - Fergusons Land	\$3,354,000	2018/19
Recreation BMX Park	\$674,000	2018/19
Oran Park Leisure Centre	\$37,700,000	2019/20
Criterion Cycling Track - location to be confirmed	\$500,000	2019/20
Council Depot Redevelopment Stage 1	\$2,700,000	2019/20
Camden Valley Way / Macarthur Rd, Elderslie Intersection renewal	\$3,685,000	2019/20
Graham Hill Rd/Richardson Road, Narellan Upgrade	\$3,575,000	2019/20
Pedestrian Access' Mobility Plan (PAMP) – New Path Paving Program	\$300,000	Per annum

Other major projects that are currently underway and due for delivery over the next 12 months include:

- Mount Annan Leisure Centre \$13.9 million
- Narellan Sporting Hub (Stage 1) \$10.3 million
- Oran Park Library \$12.7 million
- Camden Decked Carpark \$3.6 million

### **2017/18 OPERATIONAL PLAN HIGHLIGHTS**

#### **Rate Income**

Council was advised in November 2016 that IPART had determined an allowable increase in rating income for 2017/18 of 1.50%. Rate estimates included within Council's Revenue Policy have been prepared on the basis of a 1.50% rate increase. The impact on the average residential assessment is approximately \$18.04 per year (35c per week).

Council has not made an application for a rate increase above the allowable increase of 1.50% for the 2017/18 financial year. Council does have in place a one-off 1.10% special rate variation which was approved by IPART in June 2013. This revenue is used to part fund the Community Infrastructure Renewal Program and was approved



for a period of six years. After the sixth year the special rate variation is required to be reversed.

Council will continue to levy properties that receive a stormwater service with the Stormwater Management Levy. No change is proposed to the levy amount, which is \$20 per annum for land categorised as residential.

Land Valuations

Rating revenues raised in the 2017/18 financial year will be based on the updated land valuations determined by the Valuer General’s Department with a base date of June 2016.

Land valuations are issued by the Office of the New South Wales Valuer General and are determined under the *Valuation of Land Act 1916*. The Valuer General is responsible for providing fair and consistent land values for rating and taxing purposes. Council has no control over the land valuations issued on properties within the LGA.

Land Values within the LGA have increased by \$6.4 billion since they were last assessed in 2013. The increase to residential land values is \$5.7 billion and business land values have increased by \$418 million.

A summary of the changes in land valuations is provided in the table below:

2017/18 Rate Year	2013 Land Value	2016 Land Value	Increase
Residential	\$8,248,043,031	\$13,936,164,910	\$5,688,121,879
Business	\$1,080,299,760	\$1,498,100,370	\$417,800,610
Farmland	\$303,239,800	\$608,178,240	\$304,938,440
Mixed Development – Business	\$3,704,720	\$6,025,700	\$2,320,980
Mixed Development – Residential	\$2,866,280	\$4,938,300	\$2,072,020
<b>Total</b>	<b>\$9,638,153,591</b>	<b>\$16,053,407,520</b>	<b>\$6,415,253,929</b>

Rating Mix

As a result of the large increase in residential land values, and in order to ensure a fair and equitable rating system, a review of the current rating mix has been undertaken. The rating mix determines what each category of rating contributes to the total rate income generated including the 1.50% increase. There are four rating categories, residential, business, farmland (intensive) and farmland (ordinary).

This review is to ensure that both the residential and business category on average pay no more or as close to the proposed IPART allowable limit of 1.50%. In order to achieve this, the business rate in the dollar (ad valorem) needs to increase from 2.7 times the residential rate to 3.3. While there are always exceptions when reporting averages, this change will result in a more equitable rate levy for 2017/18 and beyond.

If endorsed by Council, the average annual rates for residential will increase by approximately \$18.04 (35c per week) and for business by approximately \$68.68 (\$1.32 per week). These increases do not include the waste charge.



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### Pensioner Subsidy

Pensioner rebate estimates have been revised to reflect the current number of residents who can claim a pensioner rebate.

As part of the 2014/15 budget, the Federal Government announced that it would cease paying its 5% subsidy towards pensioner rebates. This decrease was subsequently covered by the NSW State Government for 2015/16 and 2016/17.

At the time of preparing this report, the 2017/18 Federal Budget had not been released and as a result we have no further guidance on the Federal Government's position on funding the gap. The NSW State Government has not yet advised if they will cover the 5% if the Federal Budget does not make allowance for it. If Council is required to fund the gap, an adjustment will be made at the next available quarterly budget review.

### Domestic Waste Charges

It is proposed to increase the domestic waste charges by 2.50%. The impact on the average 120 litre service is approximately \$8.50 per year (16c per week). This increase is required to recover the cost of providing the service, future increases in disposal costs and funding Council's waste plant replacement program.

The list of proposed charges applicable to waste services can be found in Council's Fees and Charges schedule for the 2017/18 financial year.

### Fire Emergency Services Levy (FESL)

From 1 July 2017, a new Fire Emergency Services Levy (FESL) will be paid by all property owners alongside Council rates, which will be collected by local councils on behalf of the State Government. The FESL will replace the Emergency Services Levy (ESL) that is currently collected as part of all property-based insurance policies. Camden Council has no input or control over the amount Council is required to levy property owners in the Camden LGA.

### Fees and Charges

Proposed fees and charges for 2017/18 have generally been increased by 2.20% in line with CPI with the exception of fees which are set by regulation, are prepared on a cost recovery basis or where Council provides the service in a competitive market.

Council's Fees and Charges Schedule for the 2017/18 financial year will be part of the documentation placed on exhibition for public comment.

### Investment Income

Council has an adopted investment policy which outlines the manner in which Council may invest funds, risk profile considerations and the types of institutions and products which it may invest in.

Interest projections for 2017/18 have been prepared on the basis of generating a return on investment of 2.70%. This is the same forecasted rate used as part of the 2016/17 budget. Council is currently achieving a return on its investments portfolio of approx. 3.28% (March 2017).



### Community Infrastructure Renewal Program (LIRS Round 2) (Six Year Program)

The six year \$6.3 million Community Infrastructure Renewal Program is funded by a combination of internal reserves (\$1.5 million), a special rate variation of 1.10% including interest (\$2.8 million) and loan borrowings via the Loan Infrastructure Renewal Scheme (\$2 million). The 2017/18 financial year is the fifth year of this program.

The total programmed expenditure for the first four years of the Community Infrastructure Renewal Program was \$4.3 million. As at 31 March 2017, \$3.5 million (81%) of the identified works program has been completed.

It should be noted that Council will realise loan interest savings of over \$700,000 through rounds two and three of this scheme.

### Total Capital Works Program Summary

The Capital Works Program for 2017/18 is \$185,446,400. A breakdown of this program is shown in the following table:

<b>Local Service</b>	<b>2017/18</b>
Road/Transport Infrastructure	\$75,891,800
Drainage Infrastructure	\$47,456,000
Waste Management	\$2,441,600
Parks & Playgrounds	\$50,493,100
Community Facilities	\$5,949,000
Public Libraries	\$1,834,900
Administration Buildings (Depot Improvements)	\$700,000
Governance & IT	\$680,000
	<b>\$185,446,400</b>
<b>Funded By</b>	
Works In Kind Agreements	\$160,845,000
Section 94 Funds (Cash Reserves)	\$4,229,000
Waste Management Reserve	\$2,540,100
External Grants	\$5,735,800
Community Infrast. Renewal Program	\$992,000
Internal Reserves	\$6,111,500
General Fund	\$4,993,000
	<b>\$185,446,400</b>



### Loan Borrowings - External

There are no loan borrowings proposed in Council's Revised 2017/18 - 2020/21 Delivery Program. Council's current debt is shown in the table below.

	2017/18	2018/19	2019/20	2019/20
Recurrent Loan Borrowing Program	\$0	\$0	\$0	\$0
<b>Principal Outstanding</b>	<b>\$32,072,000</b>	<b>\$28,407,700</b>	<b>\$24,687,200</b>	<b>\$23,315,800</b>
<b>Debt Servicing Costs (principal &amp; interest)</b>	<b>\$5,181,900</b>	<b>\$4,937,700</b>	<b>\$4,895,800</b>	<b>\$2,461,700</b>

Historically Council has borrowed \$1.6 million annually to part-fund its road renewal program (road reconstruction). Council reviewed this practice and the amount borrowed in developing the 2013/14 budget and Long Term Financial Plan.

As a result of this review, Council approved a debt reduction strategy, which has gradually reduced the reliance on recurrent loan borrowings to part-fund the road reconstruction program. The last year of borrowing funds for recurrent purposes was as part of the 2016/17 budget with \$1 million to be borrowed. A review of the 2016/17 budget has identified that \$1 million could be funded at the March Quarterly Budget Review and/or 2017 year-end budget review. This means that Council will be one year ahead of its adopted debt reduction strategy. It will also result in loan interest savings of approximately \$325,000 over the life of the proposed 2016/17 loan.

The debt servicing for Council's current loan portfolio is already included in Council's long term financial plan and formed part of IPART's review of Council's financial sustainability. Council's capacity to borrow for one off major capital projects remains strong.

### Department of Planning (DOP) Interest Free Loan – Lodges Rd/Hilder St upgrade

In 2010 Council borrowed \$11.8 million dollars from the DOP to upgrade Lodges Rd and Hilder St, Elderslie. The loan was over ten years and was interest free under the Local Infrastructure Fund (LIF). Upon completion of the works not all funds had been expended leaving an unspent loan balance including interest (to date) of approximately \$3.5 million in reserve.

By December 2019 Council will have fully repaid the loan meaning the unspent loan funds held in reserve could be utilised by Council for other purposes. The reserve funds have been identified as a funding source for the 2017/18-2020/21 Delivery Program (Major Capital projects). These funds are not proposed to be utilised until the 2019/20 Operational Plan (budget).

### Internal Borrowings

Internal borrowings were used to part-fund the construction of the new central administration building. To date \$1.7 million has been repaid leaving a balance of \$1.3 million to be repaid from future quarterly reviews. It is proposed to repay \$600,000 to the plant replacement reserve in the 2020/21 budget and not to repay the \$700,000 owed to the commercial waste reserve as these funds are no longer required in this reserve.



Reserve	Internally Borrowed	Already Repaid	Balance	Notes
Capital Works Reserve	\$800,000	(\$800,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015
Asset Renewal Reserve	\$900,000	(\$900,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015 and 279/15 27/10/15
Plant Replacement Reserve	\$600,000	\$0	\$600,000	To be repaid in the 2020/21 Budget
Commercial Waste Reserve	\$700,000	\$0	\$700,000	Not to be repaid
<b>Total</b>	<b>\$3,000,000</b>	<b>(\$1,700,000)</b>	<b>\$1,300,000</b>	

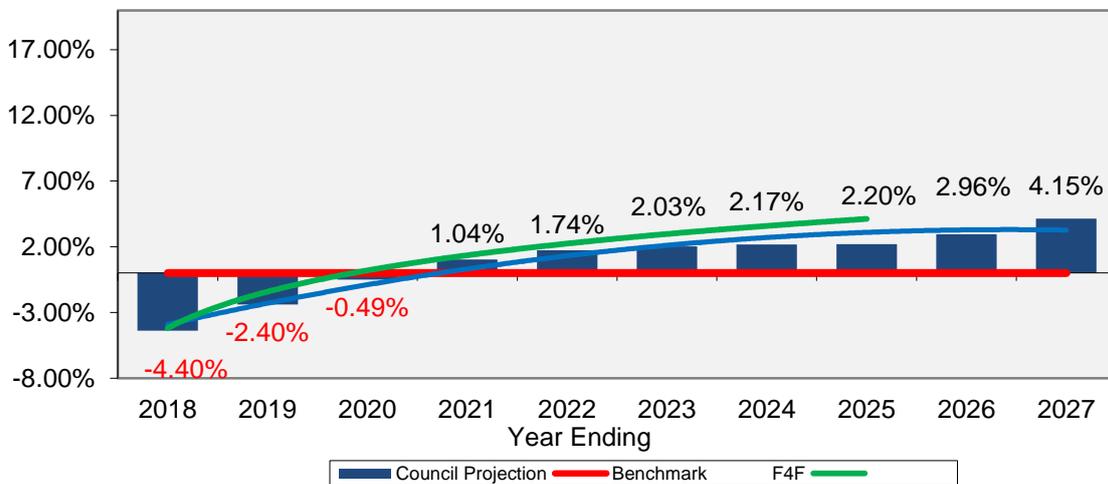
**FINANCIAL SUSTAINABILITY INDICATORS**

Operating Performance Ratio

This ratio measures Council’s ability to fund operations (including non-cash depreciation) now and into the future. The benchmark for this ratio is to break even.

**Operating Performance Ratio (%)**

>= Break-Even



The Camden LGA is one of the fastest growing areas in NSW. This brings the challenges of planning and delivering service demand and infrastructure sometimes years before additional income is realised through growth. IPART advised: “The council satisfies the criterion for sustainability based on its operating performance ratio being close to the benchmark and our assessment that its performance is adversely affected by its high growth”.

Rates and annual charges income is expected to more than double over the next ten years to over \$138 million pa, providing greater economies of scale in the later years of the long term financial plan. The Operating Performance Ratio improves over the life of Council’s LTFP predominantly through growth, prudent budget control and a reduction in depreciation expense. A reduction in depreciation expense has no impact on



services or service delivery. A review of Council depreciation expenses is currently being undertaken by Council's Assets Management Team.

Unrestricted Current Ratio

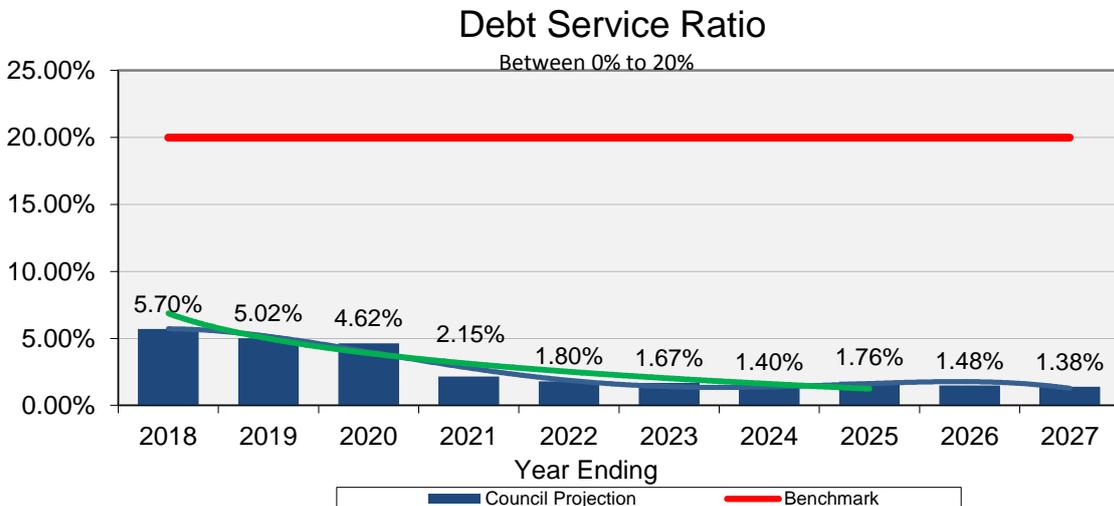
The unrestricted current ratio measures Council's ability to fund short term financial obligations such as loans, payroll and leave entitlements (measures liquidity).



Council's Unrestricted Current Ratio remains above the industry benchmark of 1:1.50 meaning that Council has almost double the minimum unrestricted current assets required for a sustainable Council. This ratio will decrease at times as cash reserves are used to fund major projects. The use of reserve funds does not impact Council's ability to deliver existing services or service levels. Council's Long Term Financial Plan (LTFP) remains funded and balanced over life of the plan. Reserves are essentially created to hold funds for a future purpose. The use of reserve funds is completely justified and ultimately reduces Council's reliance on long-term debt.

Debt Service Ratio

The Debt Service Ratio measures what percentage of Council's revenue is being used to service debt.





Council's capacity to service debt remains strong. The borrowing for the new Central Administration Centre has already been factored into Council's LTFP peaking in 2017/18 but still well within the industry benchmark of below 20%. Council's capacity to service debt improves even further in future years as our budget capacity grows over the next ten years.

### **FUTURE QUARTERLY BUDGET REVIEWS**

Future funding from quarterly budget reviews has been used as a funding source for the major projects in the Delivery Program over the next four years. It is estimated that \$500,000 could be funded from each quarterly budget review from September 2017 to March 2021. This would provide up to \$7.5 million in funding.

The funding required from quarterly budget reviews over the next four years is a conservative \$5.7 million which provides a contingency should a budget review not realise \$500,000 over the nominated period. Council also has the capacity to borrow if required. A resolution of Council would be required if borrowing is proposed.

### **RESERVE TRANSFERS**

In addition to the reserve transfers already approved as part of the 2013/14-2016/17 Draft Delivery Program, the following reserve transfers are also proposed to be made as part of the 2017/18 budget and 2017/18 -2020/21 Delivery Program.

<b>Proposed Reserve Transfers (Net)</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Transfer from Capital Works Reserve	(\$3,060,000)	(\$3,050,000)		
Transfer from Asset Renewal Reserve	(\$750,000)			
Transfer from Town Centre Reserve		(\$125,000)		
Transfer from Department of Planning (DOP) Reserve			(\$3,500,000)	
Transfer from Cemetery Reserve			(\$300,000)	(\$300,000)
Transfer to Plant Replacement Reserve				\$600,000

Other minor or recurrent reserve transfers are contained within the draft 2017/18 Operational Plan (budget). This report will recommend that Council approve all internal reserve transfers.



## RESERVE BALANCES

The balances available to Council for future allocation from its two major reserves are shown below. The balance of these reserves will be increased over time. Any budget surplus realised at the March 2017 budget review and June 2017 budget review could be considered as ways of increasing the balances in both reserves.

<b>Capital Works Reserve</b>	
<b>Current Reserve Balance</b>	<b>\$11,353,000</b>
Less: 2015/16 Revotes	(\$1,098,400)
Less: 2016/17 Approved budget allocations	(\$3,872,600)
Less: 2017/18 Draft budget allocations	(\$3,060,000)
<b>Projected Reserve Balance – 30 June 2018</b>	<b>\$3,322,000</b>
Less: Funds Committed in Future Years	(\$3,050,000)
<b>Reserve Balance Available for Allocation</b>	<b>\$272,000</b>
<b>Asset Renewal Reserve</b>	
<b>Current Reserve Balance</b>	<b>\$3,524,300</b>
Less: 2015/16 Revotes	(\$549,800)
Less: 2016/17 Approved budget allocations	(\$1,918,500)
Less: 2017/18 Draft budget allocations	(\$750,000)
Add: 2017/18 Draft budget surplus	\$500,000
<b>Reserve Balance Available for Allocation</b>	<b>\$806,000</b>

It should be noted that the balance of the asset renewal reserve includes the proposed transfer of the 2017/18 budget surplus of \$500,000 for allocation by Council to parks improvements.

## PUBLIC EXHIBITION

Public exhibition will commence Monday 15 May and conclude Sunday 11 June 2017 (inclusive).

The draft documents – Community Strategic Plan (CSP), Delivery Program (DP), Resourcing Strategy (overview) and the Operational Plan (OP) (Budget) – are prepared in accordance with the Integrated Planning and Reporting framework and the *Local Government Act 1993*. The draft documents must be publicly exhibited for a period of 28 days as per the legislation. Although the legislation does not require the Resourcing Strategy to be exhibited, Council has provided an overarching document to assist the public in understanding how the Resourcing Strategy supports the CSP, DP and OP. The documents will be available at Council's Customer Service Centre (Oran Park) and the Camden and Narellan Libraries and will be published on Council's website throughout the course of the exhibition period. Notices will also be placed in a local newspaper.

Submissions and/or comments received will be reported back to Council as part of the adoption of the Integrated Planning and Reporting package.

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## **CONCLUSION**

The Integrated Planning and Reporting package is now in a position to be presented to Council and, if approved, be placed on public exhibition for a period of 28 days.

The 2017/18 Operational Plan (budget) maintains existing services and service levels, to ensure Council is able to service its growing population and addresses much needed infrastructure to be delivered over the next four years of the Delivery Program.

Council has adopted the allowable rate increase at 1.50% and a modest increase in the domestic waste management service, which will see average residential rates and annual charges increase by approx. 51 cents per week.

The Draft Delivery Program and 2017/18 Operational Plan (budget) is a responsible budget and continues Council's prudent financial management of historically adopting balanced budgets. Council's financial health ratios continue to be within or better than the IPART benchmarks which supports Camden Council's assessment by IPART and the Office of Local Government of being fit for the future.

## **RECOMMENDED**

**That Council adopt, for public exhibition:**

- i. the Draft Community Strategic Plan, 2017/18-2020/21 Draft Delivery Program and Draft 2017/18 Operational Plan (Budget);**
- ii. the 2017/18 Draft Revenue Policy and Draft Fees and Charges;**
- iii. the Minister's Allowable limit of a 1.50% rate increase to apply to the 2017/18 rating year;**
- iv. increase the business category rate-in-the-dollar (ad-valorem) for rating purposes from 2.7 to 3.3 times the residential rate-in-the-dollar (ad-valorem).**
- v. transfer the budget surplus of \$500,000 to the asset renewal reserve for future allocation by Council to parks improvements;**
- vi. that \$5.7 million be transferred progressively to the capital works reserve from future quarterly budget reviews (commencing September 2017) to part fund the 2017/18 – 2020/21 Delivery Program;**
- vii. that \$700,000 currently owed to the commercial waste reserve not be repaid;**
- viii. that borrowing in the 2016/17 Operational Plan (budget) of \$1 million not be taken up, with the amount to be funded at the March 2017 quarterly budget review and/or 2017 year-end budget review.**
- ix. the following proposed reserve transfers:**



Proposed Reserve Transfers (Net)	2017/18	2018/19	2019/20	2020/21
Transfer from Capital Works Reserve	(\$3,060,000)	(\$3,050,000)		
Transfer from Asset Renewal Reserve	(\$750,000)			
Transfer from Town Centre Reserve		(\$125,000)		
Transfer from Department of Planning (DOP) Reserve			(\$3,500,000)	
Transfer from Cemetery Reserve			(\$300,000)	(\$300,000)
Transfer to Plant Replacement Reserve				\$600,000



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## ORDINARY COUNCIL

### ORD06

**SUBJECT: OPTIONS FOR HERITAGE PROTECTION COMMITTEE**  
**FROM:** Director Customer & Corporate Services  
**TRIM #:** 16/325783

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#### PURPOSE OF REPORT

The purpose of this report is to recommend a framework for a heritage protection committee for Camden and to provide information relating to the functions of similar committees in other Local Government Areas. This report is in response to a Notice of Motion considered at the meeting of 25 October 2016.

#### BACKGROUND

At its meeting held on 25 October 2016 Council resolved that:

- i. a report outlining possible frameworks for a Heritage Protection Committee, as well as information relating to the functions of similar committees in other Local Government Areas, be prepared for Council's deliberation; and*
- ii. the report be received with a view to establishing a committee of Camden Council, and that the committee be made up of: Councillor representatives, community representatives, independent heritage experts and representatives from local historical groups and other appropriate organisations.*

Following the meeting, Council officers spoke to ten Councils to investigate potential frameworks and functions should a committee be created for Camden Council.

Councillors were briefed on the findings of officers' research and potential framework options for the heritage committee on 11 April 2017.

#### MAIN REPORT

##### **Possible frameworks for establishing a heritage committee**

Council is able to establish a committee in two ways: under s 355 of the *Local Government Act 1993* (the Act) for committees intended to make decisions on behalf of Council, or under Council's general powers as a body politic under the Act for other committees such as advisory committees or advisory committees.

##### **What is a Section 355 committee?**

Section 355(b) of the Act allows Council to exercise its functions through a committee of Council. Council currently has a number of committees under s 355(b) to undertake management of various services and facilities within the Camden Local Government Area:

- Camden Town Farm Community Management Committee;
- Bicentennial Equestrian Park Community Management Committee;



- 
- Senior Citizens Program Community Management Committee; and
  - Camden International Friendship Association (CIFA) Community Management Committee.

The committees are appointed every four years after Council elections. Council's practice has been to review the Councillor representatives on those committees annually.

The conduct and authority of these committees is regulated in practice by the provisions of Council's s 355 Committee Handbook. Provided the committee is operating within its delegation, it acts as Council.

#### How are members of a section 355 committee selected?

Council aims to appoint committee members who are representatives of the local community. Committees are formally appointed by Council. A process takes place so that, three months after the general election of Councillors, new community committee members are able to take office.

The process includes a public meeting to enable interested residents to find out about the committees available. Prospective committee members may then submit an application addressing selection criteria. An expression of interest notification is also placed in local media. Applications are assessed and presented to Council in a Council report, and Council then determines the appointments.

#### Are Councillors represented on a section 355 committee?

Council appoints Councillor representatives to each committee in accordance with the s 355 Committee Handbook.

#### **What is an advisory committee?**

An advisory committee is a committee that provides non-binding strategic advice to Council and, unlike a s 355 committee, has no authority to act on behalf of Council.

An advisory committee is more flexible in structure and management than a s 355 committee.

The following advisory committees have been established by Council to address issues determined by Council:

- Access Advisory Committee;
- Australia Day Committee;
- Camden Cycling Advisory Committee;
- Camden Festival Committee;
- Cohesive Communities Advisory Committee; and
- Companion Animal Advisory Committee.

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How are members of an advisory committee selected?

Members may be sought using a similar process to s 355 committees, but the process may vary between advisory committees according to past practice, their terms of reference and or requirements imposed by Council.

Are Councillors represented on an advisory committee?

Council's practice has been to appoint Councillors to advisory committees.

**Heritage committee examples from other councils**

To inform consideration of a possible heritage committee, Council officers surveyed ten Councils to better understand the functions and operating frameworks of existing heritage committees. The councils contacted are listed below:

- Blue Mountains;
- Campbelltown City;
- Cumberland (Holroyd Division);
- Hills Shire;
- Inner West (Marrickville Division & Leichhardt Division);
- Liverpool City;
- City of Parramatta;
- Wingecarribee; and
- Wollondilly Shire.

The full survey responses are provided as **Attachment 1** to this report.

**Summary of responses**

1. Do you have a heritage committee?

Of the ten Councils surveyed, all except for one (Hills Shire Council) had a heritage committee.

2. Is it an advisory committee or a committee formed under s 355 of the Local Government Act 1993?

All nine Councils that had heritage committees had in place advisory committees only, not those enacted under s 355 of the *Local Government Act 1993*.

3. What are the key functions of the committee?

The three key functions that were common in the survey responses were:

- Education and promotion of heritage;
- General heritage advice; and
- Heritage advice specific to strategic and policy documents.

4. Does the committee review planning proposals or DAs?

One Council (Campbelltown) had utilised its heritage committee to provide advice on Development Applications.



The Marrickville Division of the Inner West Council also listed this as a function, however advised that due to the regularity of meetings (2-3 months) that this rarely happened.

None of the Councils surveyed utilised their committees for comments on planning proposals.

5. Does the committee comprise staff or Councillors? What is their role?

Seven of the committees have Councillor attendance and in all seven circumstances a Councillor chairs the meetings.

In all except one committee (Wollondilly), Council staff have an advisory and or administrative role.

### **Establishing a heritage committee**

What are the possible functions of the committee?

After considering the above information, it is recommended that the committee should be a non-technical advisory committee having an advisory role to Council. Examples of the possible functions of a Camden heritage committee are:

**1. Promotion of heritage and community education:**

- a) Generating a wider appreciation of heritage eg public displays, seminars, participation in the annual National Trust Heritage festival and history week;
- b) Promoting and coordinating heritage open days;
- c) Generating a greater understanding and appreciation of Aboriginal heritage in Camden LGA;
- d) Actively encouraging conservation and maintenance of heritage items and heritage conservation areas to owners and the general public;
- e) Investigating grant opportunities;
- f) Investigating opportunities for Council run awards/recognition in response to good heritage work;
- g) Developing a register of local heritage professionals and tradespeople; and
- h) Assisting in developing education packages for pre-purchase information, school education, and best heritage practices.

**2. General advice and assistance:**

- a) Sourcing heritage information and historic photos to aid in replacing materials and carrying out work.

**3. Policy input:**

- a) Contributing to the review of heritage listings, and reviewing potential new heritage items; and
- b) Engaging with Council officers on key local and state strategic planning policies with heritage implications.

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## **Consideration of development applications (DAs)**

Based on the experience of other councils, it is generally not feasible for the committee to be formally involved in the assessment of development applications. Of those Councils surveyed, only one committee (Campbelltown) formally included DA review as a function.

The Marrickville Division of the Inner West Council identified that this function, whilst included in the function of the committee, was rarely carried out due to constraints on assessment timeframes.

Formally requiring the committee to review DAs would likely impact on Council's ability to meet legislative timeframes in terms of assessment. However, it is noted that the committee could provide comment on DAs as they deem necessary through the public submission process.

### **What is the frequency of committee meetings?**

The frequency of meetings will be determined by the committee and Council when establishing the committee's terms of reference. The frequency of committee meetings of the other councils surveyed was every two months or quarterly. The committee could also call extraordinary meetings for urgent matters.

### **What is the makeup of the committee?**

The notice of motion identified the following potential members of the committee:

- Councillor representatives;
- Community representatives;
- Independent heritage experts; and
- Representatives from local historical groups and other appropriate organisations.

The membership of other councils' heritage committees is in line with that recommended within the notice of motion.

This will be addressed in the terms of reference should Council resolve to proceed.

### **Council's existing heritage resourcing**

Currently Council has an in-house Heritage Specialist who provides advice on DA and reviews Conservation Management Plans, Heritage Impact Statements and Planning Proposals (of a heritage nature).

In addition to the internal resource, Council also has an external heritage advisor who assists in development application reviews and provides peer reviews on complex proposals and advice to landowners with regards to restoration methods and practices.



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## Proposed committee structure and functions

### Heritage advisory committee

- Key Functions:
  - Education and promotion of heritage awareness;
  - General advice; and
  - Contributing to strategic planning and policy reviews.
  
- Membership:
  - To be determined in the terms of reference for the committee and may include an open EOI;
  - Will include Councillors; and
  - Staff to attend in an advisory and administrative capacity.

### **What are the next steps?**

The operation of the committee, including its function, the frequency of its meetings, its makeup and resources should be determined in the committee's terms of reference, should Council wish to proceed with its formation.

It is recommended that the terms of reference be brought back to Council for approval.

### **FINANCIAL IMPLICATIONS**

There are no financial implications as a result of this report however there may be financial and staff resourcing implications arising from the formation of a heritage committee. This will be confirmed in the committee's terms of reference, should Council wish to proceed with its formation.

### **CONCLUSION**

This report has outlined the possible frameworks and functions of a heritage committee. After surveying ten Councils, it was found that all except one have a heritage committee and that all of those committees were established as advisory rather than under a s 355 committee structure.

Should Council wish to proceed with the formation of a heritage committee, details would be developed in the committee's terms of reference.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the establishment of a heritage advisory committee; and**
- ii. subject to endorsing the formation of a committee, receive a report to consider and endorse the terms of reference.**

#### ATTACHMENTS

1. Survey Responses updated - Heritage Committee Dec 2016



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## ORDINARY COUNCIL

### ORD07

**SUBJECT: COMMUNITY SPONSORSHIP PROGRAM JULY TO DECEMBER 2017**  
**FROM:** Director Customer & Corporate Services  
**TRIM #:** 17/123826

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#### PURPOSE OF REPORT

This report seeks Council's endorsement of the recommended sponsorship allocation requests received, both monetary and in-kind, by the Sponsorship Allocation Committee as per the Community Sponsorship Program. These recommendations are for events/activities to be held July to December 2017.

#### BACKGROUND

The Community Sponsorship Program was adopted by Council as a component of the Community Financial Assistance Policy. It sets out how Council will administer incoming sponsorship requests from community groups and organisations.

The program is intended to provide encouragement and support to community organisations based on the needs of such groups, by supplementing funds raised for their events/activities.

Applications can be made twice per year and are assessed by the Sponsorship Allocation Committee in accordance with the policy.

#### MAIN REPORT

The application timeframe was advertised in the local newspaper and on Council's website, with all previous applicants for sponsorship and those organising external events also sent an application form.

A total of 17 applications were received, including two late applications. Each application was assessed against the criteria with consideration given to the benefit for the local community including social and economic, level of appeal and demonstrated need for funding.

After assessment, 15 applications have been recommended for monetary and/or in-kind support under the sponsorship program. Two applications have not been recommended as they did not meet the criteria.

A comprehensive breakdown of the amounts requested and recommended can be found within the **attached spreadsheet**.



The following events/activities are recommended for funding from the Community Sponsorship Budget:

	Event	Total Recommended Monetary	Total Recommended In-Kind
1	BMX NSW State Titles	\$2,000	\$400
2	Camden Car Show – '55 '56 '57 Chevrolet	\$500	\$303.80
3	Carols by Candlelight	\$1,000	\$359.60
4	Carols in the Garden	\$2,000	Nil
5	Christmas in Narellan	\$10,000	\$423
6	Dancing Diabetes Away	\$1,500	\$660
7	Harrington Park Carols	\$1,000	\$807.56
8	Light the Night	NA	\$541
9	Light up Camden	\$10,000	\$4,275.80
10	Lions Club of Narellan – Car Show	\$1,000	\$400.80
11	National Meals on Wheels Day	\$1,950	Nil
12	Oran Park Community Carols	\$1,000	\$263.50
13	Relay for Life 2017	\$3,000	\$3,037
14	Small Ford Car Club	\$500	\$283.30
15	Willowdale Community Carols (Late)	\$1,000	\$211.50
<b>Total</b>		<b>\$36,450</b>	<b>\$11,966.86</b>

The two applications not recommended for support are:

#### **The International Australian Punjabi Film Festival (IAPFF)**

Not recommended as a late application was received from The International Australian Punjabi Film Festival (IAPFF) with more information required. We propose to communicate further with the organisers of this event to review what, if any, assistance Council may be able to offer in future.

#### **The Camden Wollondilly Local Business Awards**

Not recommended to receive money from the Community Sponsorship Program as it is an Economic Development initiative and will be considered for funding from that existing budget.



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## **FINANCIAL IMPLICATIONS**

The total 2017/18 budget allocation for Community Sponsorship is \$62,900. This is generally split into two portions to cover the two halves of each year.

The total recommended sponsorship, both monetary and in-kind, is \$48,416.86 to cover events held July to December 2017.

After fulfilling the above requests, the balance remaining of the Community Sponsorship budget for the January to June 2018 period is \$14,483.14. As resolved in previous years, Councillors have the ability to re-vote funds as part of a quarterly review to cover any shortfall that may appear within the next sponsorship round.

## **CONCLUSION**

The breadth of events/activities being undertaken by a range of community organisations, contributing to the increase in social capital and improved community well-being within the Camden LGA, has been demonstrated by the quality and range of worthwhile events/activities seeking sponsorship assistance.

Applications have been assessed against the criteria and recommendations reflect this assessment.

Projects recommended for funding will complement existing events/activities within the community and provide improved opportunities for the community to access and attend events/activities within the Camden LGA.

## **RECOMMENDED**

**That Council:**

- i. approve sponsorship for the events and activities, as recommended in this report, totalling \$48,416.86 (comprising \$36,450 cash and \$11,966.86 in-kind) as recommended by the Sponsorship Allocation Committee in this report and funded from the 2017/2018 Community Sponsorship budget allocation; and**
- ii. write to each applicant advising them of the outcome.**

## **ATTACHMENTS**

- 1. 2017 July - December Community Sponsorship Program Summary - Council Report**



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## ORDINARY COUNCIL

## ORD08

**SUBJECT: DRAFT DEVELOPMENT INFRASTRUCTURE BONDS POLICY**  
**FROM:** Director Community Infrastructure  
**TRIM #:** 16/147615

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### PURPOSE OF REPORT

To seek Council's adoption of the draft Development Infrastructure Bonds Policy.

### BACKGROUND

Council requires bonds or guarantees to ensure that work undertaken by developers meets a certain level of specification or is delivered within agreed timeframes.

In this regard, a formal policy for the administration of bonds and/or guarantees is proposed, to establish a balanced system that provides certainty for Council and developers.

A copy of the draft Development Infrastructure Bonds Policy is provided as **Attachment 1**.

### MAIN REPORT

The preparation of a draft Development Infrastructure Bonds Policy is intended to mitigate risk to Council and provide certainty that works conducted by a developer will be completed in accordance with Council's specifications. The types of bonds proposed in the draft policy include the following:

***Incomplete Works Bond*** (minor outstanding works, footpath works, water quality facility works)

This bond allows the limited deferral of some works, typically so that the overall subdivision release can occur in a timely manner with deferred works undertaken at a more appropriate later date.

***Defects and Liability Bond***

This bond provides for the identification and rectification of defects within a fixed period (usually 12 months) for new infrastructure provided to Council such as roads and drainage.

***Damages Bond***

This bond provides for the rectification of damage to existing Council infrastructure adjacent to a new development site.



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### ***Performance Bond***

This bond provides for the completion of a project within the existing public domain by Council if the developer is unable to complete the works.

### ***Rolling Developer Bond***

This bond provides a mechanism to simplify bonds management by avoiding the need to provide and release a series of individual bonds.

### **Submissions**

In preparation of the draft Development Infrastructure Bonds Policy, benchmarking was undertaken against other Council's policies and arrangements, and an extensive consultation process was undertaken. This included an advertised invitation to comment on the draft Policy, which was exhibited for 50 days between 13 December 2016 and 31 January 2017, noting that several late submissions were received and also considered.

Submissions have been received and are summarised below:

### ***Incomplete Works Bond***

Bonds are calculated on the estimated value of the works and a percentage increase to allow for inflation, Council's risk exposure and other potential costs to manage the works by Council using its own contractors.

The percentage increase in the exhibited Policy was 150% of the value of the works. This percentage took into consideration benchmarking against a wide range of Councils, which indicated varying rates between 120% and 200%.

### **Comment**

Submissions generally considered that the percentage was too high and that a rate of 120% to 125% was more appropriate. One submission suggested a variable rate of 150% up to \$300,000, then 120% above that amount.

In consideration of the issue, it is proposed that a variable rate be adopted of 150% up to \$300,000, with the balance of works to be at the rate of 125%, which ensures that smaller projects have sufficient funds for Council to undertake the works if required.

### ***Deferred Final Pavement Layer***

Past practice has been to defer the final pavement layer for new subdivision roads on the basis that the road surface can be damaged by ongoing building activity. The exhibited policy sought to no longer accept deferral of the final pavement layer.

### **Comment**

Submissions on this item were mixed but did recognise the issues involved in the draft policy. Council officers consider that the final pavement layer should not be deferred as concerns with deferring the works are:

1. The road does not drain adequately and water ponds, leading to potential pavement failure.



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2. The pavement thickness is reduced temporarily, leading to a shorter overall pavement life during the period when significant heavy vehicle movements occur during construction.
  3. A trip hazard and rider comfort issue is created by not placing the final layer of pavement where the road abuts a road or intersection.
  4. Further disruption and inconvenience to residents when the final layer of pavement works is undertaken after the dwellings are occupied.
  5. Observations do not generally indicate a significant issue with damage to the final pavement layer during construction activities.

Given the above, no change to the exhibited policy position is proposed for this item.

### ***Deferred Footpath Works***

Past practice has been to allow the deferral of footpath works to protect the footpaths from damage during building works.

Providing footpaths early however ensures that footpath levels are not altered during building activities and further ensures that residents have footpath access at the earliest possible time. Problems have also arisen with late delivery of the footpaths, with residents objecting to the provision of footpaths across their property, denying footpath access for the wider community.

### **Comment**

A number of submissions were received and either supported, not supported or sought a more flexible response to the exhibited position.

The exhibited policy position was to restrict deferral of the footpath works, with a maximum deferral period of 12 months.

The policy position has been further reviewed by staff and has been amended to still indicate a preference for early delivery but has extended the deferral period to a maximum of two years or when 80% of houses are constructed, whichever occurs first.

### ***Defects and Liability Bond***

This bond covers warranty defects that are detected after the handover of assets to Council and require rectification.

### **Comment**

Submissions generally sought a lower percentage value of either 2.5% or 5%.

The exhibited policy had proposed that it would be set at 10% of the value of the works, based on the original rate used and early benchmarking of some Councils.

Benchmarking has been undertaken with a number of Councils and, based on this benchmarking, Council has adopted a rate of 5%, which has now been proposed in the policy.



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### ***Damages and Performance Bonds***

The Damages Bond covers the potential damage to adjacent existing public infrastructure arising from subdivision activities or development works and has been based on a 5% rate applied to the total cost of the subdivision works.

The Performance Bond is required to cover the cost of specific works being undertaken within the public domain (Council controlled roads or land) to provide sufficient funds for Council to complete the works if the developer fails to complete the works. The amount is set to 150% of the value of works.

#### *Comment*

Submissions received indicated that there was insufficient clarity around the two bonds.

One submission also sought to seek a shared bond arrangement with State Government and utility authorities that also impose bonds on outstanding works.

The Damages Bond and Performance Bond are required to cover two different types of risk. The bond description has been amended to improve clarity of the bond application and remove a potential overlap between the bonds.

No change is proposed to the nominated rates.

It is considered that entering into shared bonding arrangements with external authorities would be problematic and complex, would be difficult to administer, and is therefore not supported.

### ***Rolling Developer Bonds***

#### *Comment*

Several submissions supported the retention of this option. No changes have been proposed to the exhibited policy.

### ***Mortgage Securities***

#### *Comment*

Several submissions sought the ability to substitute cash and/or bank guarantees with some form of mortgage or property security.

This is not supported due to potential issues with contravention of s 377 of the *Local Government Act*, where Council cannot delegate the function of 'the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property' that would be inherent in adopting of the use of mortgage securities within the policy. If this power was included within the policy, there are also significant costs, risks and delays involved in dealing with property if needed to be used to cover the default of a developer.

The use of mortgage securities is not recommended in this policy.



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## **FINANCIAL IMPLICATIONS**

The new policy will ensure that Council's financial and infrastructure risks associated with development activity are minimised.

## **CONCLUSION**

Previously, the administration of bonds and/or guarantees by developers providing security for infrastructure has occurred on a case-by-case basis. Council has subsequently prepared a draft Development Infrastructure Bonds Policy to streamline and consistently manage the retention and administration of a variety of infrastructure and development related bonds.

The draft Development Infrastructure Bonds Policy was publicly exhibited and a number of submissions have been received and considered, and a number of improvements made in response.

The draft amended policy is submitted for Council's adoption.

## **RECOMMENDED**

**That Council:**

- i. adopt the draft Infrastructure Bonds Policy; and**
- ii. write to those organisations that have made submissions and thank them for their submissions.**

## **ATTACHMENTS**

1. Draft Infrastructure Bonds Policy
2. Submissions - Draft Development Infrastructure Bonds Policy - *Supporting Document*



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## ORDINARY COUNCIL

### ORD09

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**

**FROM:** Director Customer & Corporate Services

**TRIM #:** 17/123262

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In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following business:

- Review of Organisational Structure

Is, in the opinion of the General Manager, of a kind referred to in Section 10A(2) of the Act, being:

- Personnel matters under (Section 10A(2)(a)) of the *Local Government Act 1993*.

and should be dealt with in a part of the meeting closed to the media and public.

Members of the public may make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation can only be made by a member of the public as to whether a part of the meeting should be closed, in writing, to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and, if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

### **RECOMMENDED**

**That Council:**

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss a report about information dealing with a personnel matter in accordance with the provisions of Sections 10A(2)(a), of the *Local Government Act, 1993*.**